

Total Registered JD Program Points: 62.0

Total Earned JD Program Points: 58.0

UNOFFICIAL



| Home
 | My Information | Student | Your Records | Financial Aid | Faculty & Staff | Help | Proxy Menu | RETURN TO MENU | SITE MAP | HELP | EXIT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Important: As we calculate final grades and academic standing, you may see the text "Grading in Process" in the academic standing field of your unofficial college transcripts. This is not an error. This is a normal condition, that will exist only until academic standing and final grades are calculated.</p>
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| <p>Transfer Credit Institution Credit Transcript Totals</p>
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| <p>Transcript Data</p> <p>STUDENT INFORMATION</p> <p>Birth Date: May 16, 1996</p> <p>Student Type: UG Continuing</p> <p>Curriculum Information</p> <p>Current Program: Bachelor of Arts</p> <p>Program: Harpur Bachelor of Arts</p> <p>College: UG Harpur</p> <p>Major and Department: BA Political Science, Political Science</p> <p>***Transcript type:Unofficial is NOT Official***</p>
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| <p>DEGREE INFORMATION</p> <p>Degree: Bachelor of Arts</p> <p>Degree Date: May 20, 2018</p> <p>Curriculum Information</p> <p>Primary Degree: Harpur Bachelor of Arts</p> <p>Program: UG Harpur</p> <p>College: BA Political Science</p> <p>Major:</p>
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| <p>TRANSFER CREDIT ACCEPTED BY INSTITUTION -Top-</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>GEOG</td> <td>101</td> <td>Intro to Geography</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td colspan="7"> <p>Current Term: Attempt Hours: 4.000 Passed Hours: 4.000 Earned Hours: 4.000 GPA Hours: 0.000 Quality Points: 0.000 GPA: 0.000</p> </td> </tr> <tr> <td colspan="7">Unofficial Transcript</td> </tr> <tr> <td>SPAN</td> <td>215</td> <td>Intermediate Spanish II</td> <td>TC</td> <td>3.000</td> <td>0.000</td> <td></td> </tr> <tr> <td colspan="7"> <p>Current Term: Attempt Hours: 3.000 Passed Hours: 3.000 Earned Hours: 3.000 GPA Hours: 0.000 Quality Points: 0.000 GPA: 0.000</p> </td> </tr> <tr> <td colspan="7">Unofficial Transcript</td> </tr> </tbody> </table>
 | | | | | | | | | | | | Subject | Course | Title | Grade | Credit Hours | Quality Points | R | GEOG | 101 | Intro to Geography | C | 4.000 | 0.000 | | <p>Current Term: Attempt Hours: 4.000 Passed Hours: 4.000 Earned Hours: 4.000 GPA Hours: 0.000 Quality Points: 0.000 GPA: 0.000</p> | | | | | | | Unofficial Transcript | | | | | | | SPAN | 215 | Intermediate Spanish II | TC | 3.000 | 0.000 | | <p>Current Term: Attempt Hours: 3.000 Passed Hours: 3.000 Earned Hours: 3.000 GPA Hours: 0.000 Quality Points: 0.000 GPA: 0.000</p> | | | | | | | Unofficial Transcript | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>INSTITUTION CREDIT -Top-</p> <p>Term: Summer 2014</p> <p>College: UG CEO</p> <p>Major: Undeclared</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>GEOG</td> <td>103</td> <td>UC</td> <td>Multi-Culti Geographies Of US</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>MATH</td> <td>100A</td> <td>UC</td> <td>Algebra Enrichment I</td> <td>A</td> <td>2.000</td> <td>8.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>101</td> <td>UC</td> <td>Bridging Academic Writing</td> <td>A</td> <td>2.000</td> <td>8.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 8.000 Passed Hours: 8.000 Earned Hours: 8.000 GPA Hours: 8.000 Quality Points: 28.000 GPA: 3.500</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td 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Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Coming to Voice</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 21.000 Passed Hours: 21.000 Earned Hours: 21.000 GPA Hours: 21.000 Quality Points: 70.100 GPA: 3.338</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2015</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>HARP</td> <td>279</td> <td>UC</td> <td>Sophomore Seminar: Humanities</td> <td>A</td> <td>3.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>397</td> <td>UC</td> <td>Independent Study</td> <td>A</td> 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 | Credit Hours | Quality Points | R | ENG | 497 | UC | Independent Study | A | 4.000 | 16.000 | | MATH | 107 | UC | Basic Integrated Mathematics | B | 4.000 | 12.000 | | PLSC | 107A | UC | Distance and Freedom (LEC) | A | 2.000 | 8.000 | | WRIT | 110 | UC | Seeing and Writing the World | A | 4.000 | 16.000 | | <p>Term Totals (Undergraduate): Attempt Hours: 18.000 Passed Hours: 18.000 Earned Hours: 18.000 GPA Hours: 18.000 Quality Points: 68.000 GPA: 3.777</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Spring 2015</p> <p>College: UG Harpur</p> <p>Major: Interest in Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ASTR</td> <td>114</td> <td>UC</td> <td>Sun, Stars And Galaxies</td> <td>B-</td> <td>4.000</td> <td>10.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>115</td> <td>UC</td> <td>Observational Astronomy Lab</td> <td>B+</td> <td>1.000</td> <td>3.300</td> <td></td> </tr> <tr> <td>PLSC</td> <td>115</td> <td>UC</td> <td>Elementary Statistics (LEC)</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Intro To Ideas & Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Coming to Voice</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 21.000 Passed Hours: 21.000 Earned Hours: 21.000 GPA Hours: 21.000 Quality Points: 70.100 GPA: 3.338</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2015</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>HARP</td> <td>279</td> <td>UC</td> <td>Sophomore Seminar: Humanities</td> <td>A</td> <td>3.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>397</td> <td>UC</td> <td>Independent Study</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Argumentative Theory</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>426</td> <td>UC</td> <td>Global Social Movements</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>207</td> <td>UC</td> <td>Actor Trng I - 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 | Credit Hours | Quality Points | R | ASTR | 114 | UC | Sun, Stars And Galaxies | B-
 | 4.000 | 10.800 | | PLSC | 115 | UC | Observational Astronomy Lab | B+ | 1.000 | 3.300 | | PLSC | 115 | UC | Elementary Statistics (LEC) | A | 4.000 | 16.000 | | WRIT | 111 | UC | Intro To Ideas & Politics | A | 4.000 | 16.000 | | WRIT | 111 | UC | Coming to Voice | A | 4.000 | 16.000 | | <p>Term Totals (Undergraduate): Attempt Hours: 21.000 Passed Hours: 21.000 Earned Hours: 21.000 GPA Hours: 21.000 Quality Points: 70.100 GPA: 3.338</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Fall 2015</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>HARP</td> <td>279</td> <td>UC</td> <td>Sophomore Seminar: Humanities</td> <td>A</td> <td>3.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>397</td> <td>UC</td> 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 | | | | Subject | Course | Level | Title | Grade | Credit Hours | Quality Points | R | AFST | 395 | UC | Path To Africana Studies | B+ | 2.000 | 12.200 | | CDCI | 395 | UC | Professional Internship Pgm | A | 2.000 | 8.000 | | PLSC | 389T | UC | Human Rights | A | 4.000 | 16.000 | | BHET | 354 | UC | Politics of Disagreement | A | 4.000 | 16.000 | | SOC | 377 | UC | Sociology Of Capitalism | A- | 4.000 | 14.800 | | <p>Term Totals (Undergraduate): Attempt Hours: 22.000 Passed Hours: 22.000 Earned Hours: 22.000 GPA Hours: 22.000 Quality Points: 81.600 GPA: 3.709</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Spring 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390E</td> <td>UC</td> <td>Slavery & Literature</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td>HIST</td> <td>280A</td> <td>UC</td> <td>Black Lives Matter</td> <td>A-</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>485C</td> <td>UC</td> <td>Political Representation</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 45.600 GPA: 3.698</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390V</td> <td>UC</td> <td>Slavery and Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>LACS</td> <td>365</td> <td>UC</td> <td>Psychology of Racism</td> <td>A</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr>
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| | PLSC | 392A | UC | Racial Ideology | A- | 4.000 | 14.800 | | <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 30.800 GPA: 3.850</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> 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| <p>Term: Fall 2014</p> <p>College: UG Harpur</p> <p>Major: Interest in Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>497</td> <td>UC</td> <td>Independent Study</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>MATH</td> <td>107</td> <td>UC</td> <td>Basic Integrated Mathematics</td> <td>B</td> <td>4.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>107A</td> <td>UC</td> <td>Distance and Freedom (LEC)</td> <td>A</td> <td>2.000</td> <td>8.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>110</td> <td>UC</td> <td>Seeing and Writing the World</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 18.000 Passed Hours: 18.000 Earned Hours: 18.000 GPA Hours: 18.000 Quality Points: 68.000 GPA: 3.777</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2015</p> <p>College: UG Harpur</p> <p>Major: Interest in Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ASTR</td> <td>114</td> <td>UC</td> <td>Sun, Stars And Galaxies</td> <td>B-</td> <td>4.000</td> <td>10.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>115</td> <td>UC</td> <td>Observational Astronomy Lab</td> <td>B+</td> <td>1.000</td> <td>3.300</td> <td></td> </tr> <tr> <td>PLSC</td> <td>115</td> <td>UC</td> <td>Elementary Statistics (LEC)</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Intro To Ideas & Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Coming to Voice</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 21.000 Passed Hours: 21.000 Earned Hours: 21.000 GPA Hours: 21.000 Quality Points: 70.100 GPA: 3.338</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2015</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>HARP</td> <td>279</td> <td>UC</td> <td>Sophomore Seminar: Humanities</td> <td>A</td> <td>3.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>397</td> <td>UC</td> <td>Independent Study</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Argumentative Theory</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>426</td> <td>UC</td> <td>Global Social Movements</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>207</td> <td>UC</td> <td>Actor Trng I - Basic Processes</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 20.000 Passed Hours: 20.000 Earned Hours: 20.000 GPA Hours: 20.000 Quality Points: 78.800 GPA: 3.940</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2016</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>395</td> <td>UC</td> <td>Path To Africana Studies</td> <td>B+</td> <td>2.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>CDCI</td> <td>395</td> <td>UC</td> <td>Professional Internship Pgm</td> <td>A</td> <td>2.000</td> <td>8.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>389T</td> <td>UC</td> <td>Human Rights</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Politics of Disagreement</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>SOC</td> <td>390E</td> <td>UC</td> <td>Law And Society</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 24.000 Passed Hours: 24.000 Earned Hours: 24.000 GPA Hours: 24.000 Quality Points: 298.100 GPA: 3.680</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2016</p> <p>College: UG Harpur</p> 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<p>Term Totals (Undergraduate): Attempt Hours: 22.000 Passed Hours: 22.000 Earned Hours: 22.000 GPA Hours: 22.000 Quality Points: 81.600 GPA: 3.709</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390E</td> <td>UC</td> <td>Slavery & Literature</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td>HIST</td> <td>280A</td> <td>UC</td> <td>Black Lives Matter</td> <td>A-</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>485C</td> <td>UC</td> <td>Political Representation</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> 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</tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td>
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 | | | | Subject | Course | Level | Title | Grade | Credit Hours | Quality Points | R | ASTR | 114 | UC | Sun, Stars And Galaxies | B- | 4.000 | 10.800 | | PLSC | 115 | UC | Observational Astronomy Lab | B+ | 1.000 | 3.300 | | PLSC | 115 | UC | Elementary Statistics (LEC) | A | 4.000 | 16.000 | | WRIT | 111 | UC | Intro To Ideas & Politics | A | 4.000 | 16.000 | | WRIT | 111 | UC | Coming to Voice | A | 4.000 | 16.000 | | <p>Term Totals (Undergraduate): Attempt Hours: 21.000 Passed Hours: 21.000 Earned Hours: 21.000 GPA Hours: 21.000 Quality Points: 70.100 GPA: 3.338</p>
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 | 354 | UC | Politics of Disagreement | A | 4.000 | 16.000 | | SOC | 377 | UC | Sociology Of Capitalism | A- | 4.000 | 14.800 | | <p>Term Totals (Undergraduate): Attempt Hours: 22.000 Passed Hours: 22.000 Earned Hours: 22.000 GPA Hours: 22.000 Quality Points: 81.600 GPA: 3.709</p> | | | | | | | | Unofficial Transcript
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| <p>Term: Spring 2015</p> <p>College: UG Harpur</p> <p>Major: Interest in Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ASTR</td> <td>114</td> <td>UC</td> <td>Sun, Stars And Galaxies</td> <td>B-</td> <td>4.000</td> <td>10.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>115</td> <td>UC</td> <td>Observational Astronomy Lab</td> <td>B+</td> <td>1.000</td> <td>3.300</td> <td></td> </tr> <tr> <td>PLSC</td> <td>115</td> <td>UC</td> <td>Elementary Statistics (LEC)</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Intro To Ideas & Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>WRIT</td> <td>111</td> <td>UC</td> <td>Coming to Voice</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 21.000 Passed Hours: 21.000 Earned Hours: 21.000 GPA Hours: 21.000 Quality Points: 70.100 GPA: 3.338</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2015</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>HARP</td> <td>279</td> <td>UC</td> <td>Sophomore Seminar: Humanities</td> <td>A</td> <td>3.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>397</td> <td>UC</td> <td>Independent Study</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Argumentative Theory</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>426</td> <td>UC</td> <td>Global Social Movements</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>207</td> <td>UC</td> <td>Actor Trng I - Basic Processes</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 20.000 Passed Hours: 20.000 Earned Hours: 20.000 GPA Hours: 20.000 Quality Points: 78.800 GPA: 3.940</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2016</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>395</td> <td>UC</td> <td>Path To Africana Studies</td> <td>B+</td> <td>2.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>CDCI</td> <td>395</td> <td>UC</td> <td>Professional Internship Pgm</td> <td>A</td> <td>2.000</td> <td>8.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>389T</td> <td>UC</td> <td>Human Rights</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Politics of Disagreement</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>SOC</td> <td>390E</td> <td>UC</td> <td>Law And Society</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 24.000 Passed Hours: 24.000 Earned Hours: 24.000 GPA Hours: 24.000 Quality Points: 298.100 GPA: 3.680</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2016</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> 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 | 390E | UC | Law And Society | A | 4.000 | 16.000 | | <p>Term Totals (Undergraduate): Attempt Hours: 24.000 Passed Hours: 24.000 Earned Hours: 24.000 GPA Hours: 24.000 Quality Points: 298.100 GPA: 3.680</p> | | | | | | | | Unofficial Transcript
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 | 485C | UC | Political Representation | A- | 4.000 | 14.800 | | <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 45.600 GPA: 3.698</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Fall 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390V</td> <td>UC</td> <td>Slavery and Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>LACS</td> <td>365</td> <td>UC</td> <td>Psychology of Racism</td> <td>A</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>392A</td> <td>UC</td> <td>Racial Ideology</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 30.800 GPA: 3.850</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td>
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| <p>Term: Fall 2015</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>HARP</td> <td>279</td> <td>UC</td> <td>Sophomore Seminar: Humanities</td> <td>A</td> <td>3.000</td> <td>12.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>397</td> <td>UC</td> <td>Independent Study</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Argumentative Theory</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>426</td> <td>UC</td> <td>Global Social Movements</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>207</td> <td>UC</td> <td>Actor Trng I - Basic Processes</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> 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 | Credit Hours | Quality Points | R | AFST | 381G | UC | African American History | B+ | 4.000 | 12.200 | | HVPS | 210 | UC | Men's Personal Wellness | C | 4.000 | 2.800 | | PLSC | 382B | UC | Race on Labor & the Global Econ | C | 4.000 | 0.000 | | THEA | 387H | UC | Creative Movement Exploration | B+ | 2.000 | 6.600 | | <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> | | | | | | | | | | | | Total Institution: | Attempt Hours: | Passed Hours: | Earned Hours: | GPA Hours:
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 | 4.000 | 12.200 | | HVPS | 210 | UC | Men's Personal Wellness | C | 4.000 | 2.800 | | PLSC | 382B | UC | Race on Labor & the Global Econ | C | 4.000 | 0.000 | | THEA | 387H | UC | Creative Movement Exploration | B+ | 2.000 | 6.600 | | <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr>
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| <p>Term: Fall 2016</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>395</td> <td>UC</td> <td>Path To Africana Studies</td> <td>B+</td> <td>2.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>CDCI</td> <td>395</td> <td>UC</td> <td>Professional Internship Pgm</td> <td>A</td> <td>2.000</td> <td>8.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>389T</td> <td>UC</td> <td>Human Rights</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>BHET</td> <td>354</td> <td>UC</td> <td>Politics of Disagreement</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>SOC</td> <td>377</td> <td>UC</td> <td>Sociology Of Capitalism</td> <td>A-</td> <td>4.000</td> 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Credit Hours | Quality Points | R | ENG | 390V | UC | Slavery and Politics | A | 4.000 | 16.000 | | LACS | 365 | UC | Psychology of Racism | A | 4.000 | 0.000 | | PLSC | 392A | UC | Racial Ideology | A- | 4.000 | 14.800 | | <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 30.800 GPA: 3.850</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="12">Unofficial Transcript</td> </tr> </tbody> </table> | | | | | | | |
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 | 4.000 | 12.200 | | HVPS | 210 | UC | Men's Personal Wellness | C | 4.000 | 2.800 | | PLSC | 382B | UC | Race on Labor & the Global Econ | C | 4.000 | 0.000 | | THEA | 387H | UC | Creative Movement Exploration | B+ | 2.000 | 6.600 | | <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> | | | | | | | | | | | | Total Institution: | Attempt Hours: | Passed Hours: | Earned Hours: | GPA Hours:
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 | 146.000 | 146.000 | 146.000 | 146.000 | 139.000 | 491.900 | 3.560 | Unofficial Transcript | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Term: Spring 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390E</td> <td>UC</td> <td>Slavery & Literature</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td>HIST</td> <td>280A</td> <td>UC</td> <td>Black Lives Matter</td> <td>A-</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>485C</td> <td>UC</td> <td>Political Representation</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 45.600 GPA: 3.698</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Fall 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390V</td> <td>UC</td> <td>Slavery and Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>LACS</td> <td>365</td> <td>UC</td> <td>Psychology of Racism</td> <td>A</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>392A</td> <td>UC</td> <td>Racial Ideology</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 30.800 GPA: 3.850</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="12">Unofficial Transcript</td> </tr> </tbody> </table> </td></tr></tbody></table></td></tr></tbody></table>
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 | Credit Hours | Quality Points | R | ENG | 390V | UC | Slavery and Politics | A | 4.000 | 16.000 | | LACS | 365 | UC | Psychology of Racism | A | 4.000 | 0.000 | | PLSC | 392A | UC | Racial Ideology | A- | 4.000 | 14.800 | | <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 30.800 GPA: 3.850</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="12">Unofficial Transcript</td> </tr> </tbody> </table> | | | | | | | |
 | | | | Subject | Course | Level | Title | Grade | Credit Hours | Quality Points | R | AFST | 381G | UC | African American History | B+
 | 4.000 | 12.200 | | HVPS | 210 | UC | Men's Personal Wellness | C |
4.000 | 2.800 | | PLSC | 382B | UC | Race on Labor & the Global Econ | C | 4.000 | 0.000 | | THEA | 387H | UC | Creative Movement Exploration | B+ | 2.000 | 6.600 | | <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> | | | | | | | | | | | | Total Institution: | Attempt Hours: | Passed Hours: | Earned Hours: | GPA Hours:
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 | 146.000 | 146.000 | 146.000 | 146.000 | 139.000 | 491.900 | 3.560 | Unofficial Transcript | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Term: Fall 2017</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>ENG</td> <td>390V</td> <td>UC</td> <td>Slavery and Politics</td> <td>A</td> <td>4.000</td> <td>16.000</td> <td></td> </tr> <tr> <td>LACS</td> <td>365</td> <td>UC</td> <td>Psychology of Racism</td> <td>A</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>PLSC</td> <td>392A</td> <td>UC</td> <td>Racial Ideology</td> <td>A-</td> <td>4.000</td> <td>14.800</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 12.000 Passed Hours: 12.000 Earned Hours: 12.000 GPA Hours: 12.000 Quality Points: 30.800 GPA: 3.850</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="12">Unofficial Transcript</td> </tr> </tbody> </table> </td></tr></tbody></table>
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 | Credit Hours | Quality Points | R | AFST | 381G | UC | African American History | B+ | 4.000 | 12.200 | | HVPS | 210 | UC | Men's Personal Wellness | C | 4.000 | 2.800 | | PLSC | 382B | UC | Race on Labor & the Global Econ | C | 4.000 | 0.000 | | THEA | 387H | UC | Creative Movement Exploration | B+ | 2.000 | 6.600 | | <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> | | | | | | | | Unofficial Transcript | | | | | | | | <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table>
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3.560 | 2.000 | 2.000 | 2.000 | 2.000 | 2.000 | 0.000 | 0.000 | 146.000 | 146.000 | 146.000 | 146.000 | 139.000 | 491.900 | 3.560 | Unofficial Transcript | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Term: Spring 2018</p> <p>College: UG Harpur</p> <p>Major: BA Political Science</p> <p>Academic Standing: Good Standing</p> <p>Additional Standing: Dean's List</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Course</th> <th>Level</th> <th>Title</th> <th>Grade</th> <th>Credit Hours</th> <th>Quality Points</th> <th>R</th> </tr> </thead> <tbody> <tr> <td>AFST</td> <td>381G</td> <td>UC</td> <td>African American History</td> <td>B+</td> <td>4.000</td> <td>12.200</td> <td></td> </tr> <tr> <td>HVPS</td> <td>210</td> <td>UC</td> <td>Men's Personal Wellness</td> <td>C</td> <td>4.000</td> <td>2.800</td> <td></td> </tr> <tr> <td>PLSC</td> <td>382B</td> <td>UC</td> <td>Race on Labor & the Global Econ</td> <td>C</td> <td>4.000</td> <td>0.000</td> <td></td> </tr> <tr> <td>THEA</td> <td>387H</td> <td>UC</td> <td>Creative Movement Exploration</td> <td>B+</td> <td>2.000</td> <td>6.600</td> <td></td> </tr> <tr> <td colspan="8"> <p>Term Totals (Undergraduate): Attempt Hours: 14.000 Passed Hours: 14.000 Earned Hours: 14.000 GPA Hours: 14.000 Quality Points: 35.800 GPA: 2.557</p> </td> </tr> <tr> <td colspan="8">Unofficial Transcript</td> </tr> <tr> <td colspan="12"> <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="12">Unofficial Transcript</td> </tr> </tbody> </table>
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| <p>TRANSCRIPT TOTALS (UNDERGRADUATE) -Top-</p> <table border="1"> <thead> <tr> <th>Total Institution:</th> <th>Attempt Hours:</th> <th>Passed Hours:</th> <th>Earned Hours:</th> <th>GPA Hours:</th> <th>Quality Points:</th> <th>GPA:</th> </tr> </thead> <tbody> <tr> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>144.000</td> <td>137.000</td> <td>491.900</td> <td>3.560</td> </tr> <tr> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>2.000</td> <td>0.000</td> <td>0.000</td> </tr> <tr> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>146.000</td> <td>139.000</td> <td>491.900</td> <td>3.560</td> </tr> </tbody> </table>
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Amber Baylor
Clinical Professor of Law
Director, Criminal Defense Clinic

435 West 116th Street
New York, NY 10027
abaylor@law.columbia.edu

June 9, 2023

Dear Judge:

I am writing to strongly recommend Jermel McClure for a judicial clerkship. I worked with Jermel as a student in the Criminal Defense Clinic. He is one of our most well-rounded, engaging and reliable students. Jermel brings energy and attentiveness to all of his work. His attention to detail, steadiness, engaging work style, and high-level communication skills will serve him well as a clerk.

Jermel is exceptionally engaged. My colleagues have commented on Jermel's thoughtfulness. He connects projects across the school, noting overlapping and common goals. He truly takes on the mission of the centers, courses, fieldwork opportunities and is a significant contributor across the school.

In the Criminal Defense Clinic students represent individuals facing misdemeanor charges and work as counsel to a grassroots organization on a policy project. The clinic involves a seminar component. Jermel was always prepared for class, responded to prompts, and was a thoughtful contributor to the conversation. His class papers were deeply self-reflective. Jermel took advantage of the opportunity to ask guest speakers well-crafted, probing questions about their area of expertise. He clearly contemplates how to best apply class lessons to practice. He brings a genuine interest into the discussion.

Jermel is focused on developing high-level lawyering skills. In class litigation simulations, Jermel would ask if he could refine his cross examination after receiving feedback. He sought out feedback on his legal memoranda for his clients. When I have referred him to practitioners for mentorship, Jermel follows up and is well-prepared.

Jermel's representation of his clients was excellent. He was diligent in following up with his clients – often having scheduled client meetings and calls without supervisor prompting. He dedicated time and effort to be truly collaborative - his clients were always apprised of the state of their case. Jermel proactively followed up with the prosecutor on unaddressed requests. He and classmate

volunteered to collaborate in the representation of additional client – which was complex and involved research on a novel issue.

Our organizational client representation required Jermel to work with two other classmates. He was a strong collaborator. Our client subsequently commented on the excellent policy research his team produced.

Jermel is a major contributor to the Law School. I recommend him without reservation to a judicial clerkship.

Please feel free to contact me with any inquiries regarding Jermel and his preparation for this position. I can be reached at abaylor@law.columbia.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Baylor". The signature is fluid and cursive, with the first name "Amber" and last name "Baylor" clearly distinguishable.

Amber Baylor

June 12, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

Jermel McClure has asked me to write in support of his application for a clerkship in your Chambers. I do so with the greatest enthusiasm.

I have known Mr McClure since his second term in law school, when he was in my class called Law in Contemporary Society. I have seen him frequently and acted as his advisor since.

Mr McClure is a natural leader. He has the quickness of intellect and intensity of presence that combine to produce charisma. He is an organized and rapid thinker, a social entrepreneur in the making, a gifted connector of people. He writes fluently, sometimes beautifully. He has the incisiveness and the sureness of touch with people that could carry him far in the courtroom. I knew William J. Brennan, Jr., a little bit at the beginning of my career, from my perch in Justice Marshall's Chambers; Mr McClure reminds me of him sometimes.

Jermel could be an outstanding law clerk at the beginning of an extraordinary career. I urge you to interview him. If there is anything else I can do to assist you, please call on me.

Very truly yours,

Eben Moglen

Eben Moglen - moglen@law.columbia.edu - 212-854-8382

June 12, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I write at the request Jermel McClure, who has applied for a clerkship position in your chambers. It's my pleasure to recommend him to you.

I have known Jermel since the fall of 2022, when he enrolled in the seminar I co-teach here at Columbia on critical race theory. Jermel quickly emerged as a thought leader in the seminar. He came to our weekly meetings prepared and ready to dig into the cases and other materials we covered in the seminar. In his contributions to class discussion Jermel demonstrated his solid legal analysis skills and a keen critical eye for larger policy issues. Each seminar student was responsible for two projects. The first was an individual "dossier-memo" assignment. The students were asked to prepare a dossier of law and policy materials on a topic of their choice, and to write a memorandum that used one or more CRT concepts as a lens for a critical analysis of their chosen topic. Jermel prepared a fine dossier-memo on the culture war that has erupted among residents of New York's gentrifying Harlem neighborhood over the longstanding tradition of weekly African drumming circles in Harlem's public parks. The second assignment was a team project in which Jermel worked with two other seminar members to write and produce a podcast episode for the second season of CRT2, a law-school based podcast on critical race theory. Jermel was responsible for the creating and curating the website for the podcast he and his fellow team members produced on the use of art as a tool of restorative justice among formerly incarcerated New Yorkers and the communities to which they return after they are released from prison. Jermel received a well-deserved "A" for his work in the seminar.

Outside the classroom, I've worked closely with Jermel on student-facing projects related to racial and social justice, two issues about which he is quite passionate. Jermel has played an important leadership role in the life of the law school around both these issues. He served as co-president this past year of the Black Male Initiative, a project that was created early on in the pandemic to connect current black male law students with black male graduates of Columbia Law School. Jermel and his co-president planned and curated an impressive calendar of substantive and social events. Jermel is also co-leading an initiative to create a student-facing group to address issues of racial and social justice literacy. He has not only been an effective student leader and organizer, but has had great success in raising funds for these initiatives. Jermel has an impressive work ethic. He is very good at receiving and implementing feedback, and is a self-directed learner who has the capacity to think and act beyond the scope of what is expected of him. He has strong interpersonal skills, a natural ability to work well with others and a maturity far beyond his years.

I am pleased to recommend Jermel to you, and look forward to a chance to speak by phone about any questions that arise as you evaluate his candidacy.

Yours truly,

Kendall Thomas
Nash Professor of Law

Kendall Thomas - kthomas@law.columbia.edu - 212-854-2288

June 12, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

It is with great pleasure that I write to recommend Jermel McClure for a position as your law clerk. Jermel is one of the most inspiring student leaders I have encountered since I have been in law teaching. His combination of intellectual firepower, inexhaustible energy, contagious commitment, deep insight, and strength-based humility is remarkable. He is a master problem solver, a tireless community builder, a deep thinker, a brilliant strategist, and a prodigious worker. He combines these qualities with a breathtaking range of experiences in the classroom, in leadership positions, and in his community that have enabled him to bring invaluable perspective, judgment, and creativity to his research, leadership, and public speaking. He has my strongest recommendation.

As his faculty mentor, I had many opportunities to work closely with Jermel. I am continually re-inspired by him every time we meet. He combines his intellectual abilities with strong organizational skills and a commitment to making a meaningful and lasting difference in the lives of others. He has boundless energy and devotes whatever time is needed to bring people together, make informed judgments, and achieve defined goals. He is the one that a group relies on to inspire a sense of possibility, identify outstanding issues, plan next steps, and ensure the work gets done. He is a realistic visionary who understands the world as it is but has a sense of urgency and hope that seems to propel him and those around him to act.

I first got to know Jermel through Breakthrough in Abolition Through Transformative Learning Exchange (B.A.T.T.L.E), a year-long, intensive action research course that I co-teach with a formerly incarcerated leader. This experiential learning seminar requires collaborating extensively with people directly affected by mass incarceration and racism on projects inside and outside of class, completing regular reflective and strategic writing assignments, and conducting a major collaborative action research project. Through this work, I had the opportunity to observe Jermel's policy research, issue analysis, and interpersonal interactions with a diverse group.

Jermel quickly emerged as a thought leader among leaders in BATTLE. His powerful, subtle, and searching mind was consistently apparent in his in-class comments, reflection pieces, questions, facilitation plans, and writing. Jermel tackles problems through careful, rigorous, and tough-minded analysis, informed by taking the pulse of people's experiences. He has a thirst for figuring out underlying causes and broader implications. He combines "forest" and "trees" thinking—with his attentiveness to distinctions and details as well to underlying patterns and dynamic relationships. His incisive inquiries, often carefully inserted at just the right moment, frequently clarified and focused the discussion on core issues. He framed precise and targeted questions in the classroom discussion and the project planning, and demonstrated a rare combination of intellectual open-mindedness and focus. These qualities equipped Jermel to excel as an interlocutor, framing questions in class and in the project group's research, and a strategic analyst, producing deep insight based on systematic inquiry. He became someone that students, community leaders, and course instructors alike sought out regularly for advice and counsel on difficult or complex legal and organizational questions. I learned much from his contributions and came to respect him highly as a collaborator and peer, easily earning him the grade of A.

I also worked with Jermel in the Theater of Change, a January term, week long intensive course that brought together law students, people directly affected by incarceration, and artists to learn how to collaborate and explore ways to use law and policy to change the public narrative about incarceration and racism. Again, Jermel's role proved pivotal. He became an anchor of his project group, which focused on the problem of school suspensions and their disproportionate impact on children of color. As someone who has experienced the impact of incarceration on his own family, Jermel was a bridge across worlds, also able to translate complex legal concepts into clear and understandable terms. His unusual combination of rigorous legal analysis and creativity made him an invaluable and extraordinarily effective participant. I was not surprised when the Broadway Advocacy Coalition, Columbia Law School's partner in teaching the Theater of Change, selected Jermel to serve as the Policy Fellow for the following semester.

Throughout this work, I have watched Jermel create contexts in which difficult conversations about important questions take place in a constructive manner. I have observed him modeling how to learn from critical feedback, as well as to engage other people's arguments and still stand your ground. I have participated in many conversations in which it was his ability to bring competing perspectives into the conversation that enabled people to learn from those they disagreed with, and even rethink their own ideas. I have seen his pivotal role in producing unusually productive collaborations, resulting in the receipt of an unprecedented three anti-racism grants from the law school.

Jermel is an unusually gifted public speaker and facilitator. Faculty members, law students, and community members seek him out to facilitate events and panels at the law school. His performance as a facilitator make evident the power of his intellect, the depth of his insight, and the breadth of his commitment to shared learning and change.

With all of these amazing qualities, Jermel is a truly humble and empathetic human being. He has a great sense of humor, and is wonderful to work with. I am confident that Jermel will become a leader in the legal profession, and will make a major contribution to the advancement of social justice and the improvement of our legal system. He knows why he wants to clerk, and will bring all

Susan Sturm - ssturm@law.columbia.edu - 212-854-0062

of his talents and energies to bear on being successful in this important role. I have no doubt that he will make an outstanding law clerk. I give him my strongest recommendation.

Susan Sturm

Director, Center for Institutional and Social Change
George M. Jaffin Professor of Law and Social Responsibility
Columbia Law School

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CLERKSHIP APPLICATION WRITING SAMPLE

This writing sample is a brief written for the National Black Law Students Association's 2021-2022 National Thurgood Marshall Moot Court Competition (formerly named Frederick Douglass Moot Court Competition). I was assigned to represent Petitioner, the United States of America. Respondents Michael Kyle, a.k.a Junior, Cole Brown, and Jazz Jefferies appeal the District Court's use of Sentencing Guidelines Commentary in determining that their prior felony convictions of attempt and conspiracy qualify as predicate offenses under U.S.S.G § 4B1.1. This case takes place in a fictitious jurisdiction, and accordingly, this brief contains citations to various circuit courts. This writing sample has been lightly edited for grammar.

No. 20-18933

In the Supreme Court of the United States

UNITED STATES OF AMERICA,

Petitioner,

v.

MICHAEL KYLE, et al.,

Respondents.

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTEENTH CIRCUIT*

BRIEF FOR THE UNITED STATES

ELIZABETH PRELOGAR

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Counsel of Record

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QUESTIONS PRESENTED

1. Whether attempt and conspiracy offenses qualify as predicate offenses under U.S.S.G. § 4B1.1 for the purposes of the Career Offender status.
2. Whether a parking structure connected to the place being robbed qualifies as a “different location” for the purposes of the abduction enhancement under U.S.S.G. § 2B3.1.

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Stinson v. United States, 508 U.S. 36, 43, (1993)

Statutes and rules:

U.S.S.G. § 1B1.7

U.S.S.G. § 4B1.1

U.S.S.G. § 4B1.2

28 U.S.C. § 994 (h)

JURISDICTION

The judgment of the Court of Appeals was entered on August 28, 2021. The petition for a writ of certiorari was filed on August 27, 2021, and was granted. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

STATEMENT

From October 2018 through September 2020, there were a total of ten medical facilities in and around Florida—including the Fresh Prince Medical Center—reported break-ins. On September 6, 2020, respondents allegedly entered the Fresh Prince Smith Medical Center brandishing firearms. Once granted access, the men began ransacking the hospital’s reserves of narcotics, including, but not limited to, morphine, codeine, and paracetamol. It has been well established that the drugs stolen are commonly used to break down heroin. Next, the men walked Dr. Banks into the parking lot, knocked her unconscious, and left her in a maintenance closet of the garage. Security camera footage of the garage entrance showed a dark Dodge Charger fleeing the scene shortly after with three men inside the car.

In October 2020, FBI Agent Michael Lowry, along with his team, connected five robberies by the Modus Operandi: two men would enter a hospital, find a doctor, clear out the medical supplies, and a third man would keep the car running as the getaway driver. In all five robberies, the car the perpetrators used to flee was a black Dodge Charger. In December 2020, there was a break in the case when the getaway driver Michael Kyle, aka Junior, was arrested on an unrelated charge. Junior made a deal with the Attorney General’s Office to give them information on the five robberies he knew about in exchange for a lesser sentence. When Junior was arrested, he was in possession of two 9-millimeter pistols and a shotgun. Fingerprints of two other men were identified on the 9 millimeters and are believed to be the prints of the respondents. Junior provided the names of his co-conspirators, Cole Brown and Jazz Jefferies (Respondents), and the two were immediately arrested and charged with Conspiracy to Commit Armed Robbery and five Counts of Armed Robbery.

SUMMARY OF ARGUMENT

The respondents’ prior felony convictions of attempt and conspiracy qualify as predicate offenses under § 4B1.1 for purposes of the Career Offender Status. In 1995 the Sentencing Commission amended Application Note 1 of the Sentencing Guidelines without change to repromulgate that the guideline instructed judges to

interpret inchoate offenses like attempt and conspiracy as predicate offenses when determining Career Offender Status. *Stinson v. United States*, and *United States v. Price*—the cases cited by the respondents as evidence of err on the part of the District Court Judge—were both litigated prior to the 1995 amendment repromulgating Application Note 1. The amendment affirms that Judge Banks acted in accordance with the guidelines when issuing the respondents' sentencing.

The Sentencing Guidelines' commentary plays a significant and imperative role in ensuring that consistent sentencing is imposed for similar crimes. Commentary is therefore considered binding and authoritative unless it directly contradicts the guidelines, contains a constitutional violation, or violates a federal statute. U.S.S.G. § 1B1.7. The commentary at issue meets none of the aforementioned criteria for disqualification and should therefore be considered authoritative and binding. The District Court properly relied on the commentary when determining respondents' Career Offender Status. Courts routinely interpret attempt and conspiracy offenses as predicate offenses under § 4B1.1 for purposes of the Career Offender Status. In *United States v. Rodriguez-Rivera*, *United States v. Chavez*, *United States v. Lightbourn*, and *United States v. Lewis*, Circuit Courts held that previous felony convictions of attempt and conspiracy qualified as controlled substances offenses. Additionally, in *Rodriguez-Rivera* the Appellate Court held that the elements that comprise a conspiracy offense outlined in 21 U.S.C. § 846 were synonymous with the meaning of conspiracy under U.S.S.G. § 4B1.1. Furthermore, judges have routinely looked to Commentary for definitional guidance because, to maximize efficiency within the Sentencing Guidelines, the Commission nests definitions therein. Finally, to promote the principles of fairness and justice, the Supreme Court should rely on precedent established by the U.S. circuit courts of appeals.

ARGUMENT

- I. **Attempt and conspiracy offenses qualify as predicate offenses under § 4B1.1 for the purposes of the Career Offender Status.**
 - A. **The 1995 amendment to § 4B1.1 affirms the legitimacy of the sentencing guidelines commentary.**

According to the United States Sentencing Guidelines (U.S.S.G.) § 4B1.1: (a) A defendant is a career offender if (1) the defendant was at least eighteen years old at

the time the defendant committed the instant offense of conviction; (2) the instant offense of conviction is a felony that is either a crime of violence or a controlled substance offense; and (3) the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense. U.S.S.G. 4B1.1. In 1995 the Commission on Sentencing Guidelines made an amendment repromulgating without change Application Note 1 of the commentary to § 4B1.2 (Definition of Terms Used in § 4B1.1). U.S.S.G. § 4B1.2.

The 1995 amendment to § 4B1.2 repromulgated Application Note 1 of the commentary at issue in the current matter. The commission noted that the amendment, “responds to a decision by the United States Court of Appeals for the District of Columbia Circuit in *United States v. Price*, 990 F.2d 1367 (D.C.Cir.1993).” U.S.S.G. § 4B1.2. In *Price*, the court neglected to apply the career offender guideline to a defendant formerly convicted of a drug conspiracy because 28 U.S.C. § 994 —the enabling mandate which the commission cites—does not explicitly refer to inchoate offenses. U.S.S.G. §4B1.2. The 1995 amendment made by the commission was a reaffirmation of their intent for inchoate offenses like attempt and conspiracy to be qualified as predicate offenses under § 4B1.1 for the purposes of the Career Offender status.

The 1995 amendment to the commentary used by Judge Banks is a direct response to the issue the respondents have presented to the court. It proves that the District Court Judge did not err when referencing the commentary to determine that the respondent’s prior convictions fall within the parameters of “Controlled Substance Offenses.” The respondents cite the Supreme Court’s holding that where “commentary and the guideline it interprets are inconsistent in that following one will result in violating the dictates of the other, the Sentencing Reform Act itself commands compliance with the guideline.” *Stinson v. United States*, 508 U.S. 36, 43, (1993). The court’s 1993 ruling in *Stinson* ought to be reaffirmed. A reaffirmation of the decision in *Stinson* would affirm this court’s belief that the Sentencing Commission’s 1995 repromulgation of Application Note 1 established that the commentary at issue and the guideline it interprets are in no way inconsistent with each other.

Respondents cite *Price* in an effort to exemplify the appellate court’s repudiation of instances in which defendants have been provided with extended

sentences stemming from judicial interpretation of commentary that is inconsistent with sentencing guidelines. It is imperative to highlight that the 1995 amendment to Application Note 1 of the commentary to § 4B1.2 directly “responds to [the] decision by the United States Court of Appeals for the District of Columbia Circuit in *United States v. Price*, 990 F.2d 1367 (D.C.Cir 1993).” U.S.S.G. 4B1.2. When the Commission established the 1995 amendment, they did so without changing any of the Application Note’s contents. The express purpose of the amendment was to respond to the court’s ruling in *Price* and provide further clarification regarding the Commission’s intent. The Commission intended for Application Note 1 of the commentary to § 4B1.2 to include inchoate offenses like attempt and conspiracy as qualifying predicate offenses under § 4B1.1 for the purposes of the Career Offender status. Furthermore, the *Price* court found that the enabling legislation of 28 U.S.C. § 994 (h) mandates for the Commission to assure that “Career Offenders, as defined in the statute” receive a sentence at or near the maximum and uses § 4B1.1 to implement this mandate. *Price*, 990 F.2d at 1369. We believe the court’s findings in *Price* with reference to 28 U.S.C. § 994 (h) demonstrate that according to statutory provisions, Judge Banks acted in accordance with the law when applying the Career Offender guidelines to the respondents sentencing.

Thus, the 1995 amendment to § 4B1.1 affirms that the commentary related to the Sentencing Guidelines in § 4B1.1 is not in conflict with the intention of the sentencing guidelines for career offenders.

B. Sentencing Commentary is an imperative aspect of Sentencing Guidelines

USSG, § 1B1.7, “Significance of Commentary,” underscores the importance of the Commentary in informing judges’ sentencing decisions. The section states that there are three primary purposes served by the Commentary: (1) to interpret the guideline or explain how it is to be applied; (2) to suggest circumstances which, in the view of the Commission, warrant departure from the guidelines; and (3) to provide background information to be considered when enforcing the guidelines. U.S.S.G. § 1B1.7. Commentary is to be interpreted as the legal equivalent of a policy statement and failure to comply with Commentary could result in the incorrect application of the guidelines. U.S.S.G. § 1B1.7. The risk of an incorrect application of the guidelines

endangers judicial efficiency and may result in subjecting sentences to reversal on appeal.

In the instant matter, an affirmation of the sentencing calculation issued by the district court judge is an affirmation of the importance of Sentencing Commentary within the United States Judicial System. In *Stinson*, the court held that the Guideline Manual's commentary, which interprets or explains a guideline, is authoritative unless it violates the Constitution or a federal statute, or is inconsistent with, or a plainly erroneous reading of, that guideline. *Stinson v. United States*, 508 U.S. 36, (1993). The commentary leveraged by Judge Banks in his sentencing decision should be considered authoritative because it does not violate any statutes, nor does it present an inconsistent or erroneous interpretation of the sentencing guideline. Judge Banks' usage of the commentary in the instant matter was in exact alignment with the Commission's intended use. He leveraged the commentary to aid his interpretation and application of the Sentencing Guideline, one of the three primary purposes of commentary as noted in USSG, § 1B1.7, "Significance of Commentary."

Therefore, the commentary to § 4B1.1 should be considered binding and effectively leveraged in the instant matter.

II. Courts routinely consider attempt and conspiracy offenses as predicate offenses for the purposes of career offender status.

A. Conspiracy and attempt to commit a crime involving a controlled substance are considered controlled substance offenses under U.S.S.G. § 4B1.1.

According to 21 U.S.C. § 846, the crime of conspiracy has three elements: (1) on or before the date two or more persons reached an agreement or came to an understanding to commit an offense; (2) the defendant voluntarily and intentionally joined in the agreement or understanding either at the time it was first reached or at some later time while still in effect; and (3) at the time the defendant joined in the agreement or understanding they knew the purpose of the agreement or understanding. Conspiring under 21 U.S.C. § 846 is considered to have the same meaning as conspiring within the commentary of U.S.S.G. § 4B1.1 as demonstrated in *United States v. Rodriguez-Rivera*. 989 F.3d at 183. In *Rodriguez-Rivera* the First Circuit Court of Appeals concluded that it was unable to identify anything sufficient

to overpower the strong sense that conspiring under section 846 of the Controlled Substances Act was one of the many offenses the Sentencing Commission had in mind when stating, in Application Note 1, that the offense of conspiring to commit a controlled substance offense is a controlled substance offense. *Id.* Likewise, in *United States v. Chavez*, a case in which the defendant objected to being classified as a career offender, arguing that the Commission extended its statutory authority by including “attempts” as predicate offenses for career offender status the Tenth Circuit Court of Appeals concluded that the Commission acted within its broad grant of authority in construing attempts to commit drug crimes as controlled substance offenses for the purposes of determining career offender status. *United States v. Chavez*, 660 F.3d 1215, 1228 (10th Cir. 2011). Similarly, in *U.S. v. Lightbourn*, a case involving a defendant that objected to a District Court ruling asserting that his prior drug conspiracy offenses triggered the Career Offender Status, the Fifth Circuit Court of Appeals determined that conspiracy offenses qualified as predicate offenses under § 4B1.1. for the purposes of determining Career Offender Status. The *Lightbourn* court noted, “The Sentencing Commission [after the 1995 amendment] lawfully included drug conspiracies in the category of crimes triggering classification as a career offender under § 4B1.1. of the Sentencing Guidelines.” *United States v. Lightbourn*, 115 F.3d 291, 293 (5th Cir. 1997).

There is no dispute regarding the fact that respondents were previously found guilty of felony conspiracy and attempt offenses. In the instant matter, the court is tasked with determining if the respondents’ previous offenses classify as “Controlled Substance Offenses.” Relying on precedent established in *Rodriguez-Rivera*, *Chaves*, and *Lightbourn* we assert that the previous convictions are classified as “Controlled Substance Offenses” as defined in USSG § 4B1.1. Additionally, we assert that attempt is also one of the offenses that the Sentencing Commission had in mind when promulgating Application Note 1. *United States v. Rodriguez-Rivera*. Furthermore, the *Chavez* court’s determination that attempt offenses qualify as predicate offenses for the purposes of determining career offender status provides proof that a growing number of Circuit Courts have interpreted the guidelines in alignment with District Court Judge Banks’ interpretation. *United States v. Chavez*, 660 F.3d 1215, 1228 (10th Cir. 2011); *United States v. Lewis*, 963 F.3d 16, (1st Cir. 2020); *United States v. Lightbourn*, 115 F.3d 291, 293 (5th Cir. 1997).

Therefore, the court should view the petitioner's conspiracy and attempt charges as predicate offenses under U.S.S.G. § 4B1.1 and uphold the career offender status determination made by the District Court Judge.

B. Commentary is an essential tool for providing “definitional provisions” for judges.

In *United States v. Martinez*, a case in which the defendant objected to a pre-sentencing report classifying his prior attempt offenses as crimes of violence, the Tenth Circuit Court of Appeals noted that Application Note 1 of § 4B1.2 is consistent with the language of the guidelines. The court determined that the application note should be used as a definitional provision. This indicates that when the guideline uses a word for a specific offense, the word is referring not only to the completed offense but also to conspiring or attempting to commit the offense. *United States v. Martinez*, 602 F.3d 1166, 1174 (10th Cir. 2010).

Aside from the fact that § 4B1.2 is entitled “Definition of Terms Used in Section 4B1.1” which indicates that it is a definitional provision outright, courts have provided additional rationale for viewing Application Note 1 in the same light. In *Martinez*, the court reasoned that rather than cluttering the guidelines with every intended interpretation, the Commission uses the shorthand expression and leverages the application notes to provide the specific definitions. *United States v. Martinez*, 602 F.3d 1166, 1174 (10th Cir. 2010). Furthermore, the *Martinez* court affirmed that “definitions of terms used in the guidelines are commonly placed in the application notes. *see, e.g., id.* § 2A4.1 cmt. nn. 1–3 (defining terms used in the kidnapping guideline); *id.* § 2B1.1, cmt. n. 1 (defining terms used in theft guideline); *id.* § 3A.1.1 cmt. n. 2 (defining *vulnerable victim* in the hate-crime guideline).” *Id.* 1174.

Respondents’ assertion that the District Court’s reliance on the application note was in error is patently false. As expressed in *Martinez* courts have interpreted application notes to provide definitional provisions to be employed by judges when making sentencing determinations. The omission of the words “conspiracy” and “attempt” in the guideline was an intentional decision made by the Sentencing Commission in an effort to establish concise, digestible guidelines. *Martinez*. If the commission were to include in the guidelines every possible meaning and interpretation they expected to be extrapolated, the guidelines would be exhaustive

and impractical. In lieu of over-explaining specifics in the guidelines, the Commission established Commentary and Application Notes to provide Judges with clarification regarding definitional provisions when determining sentencing. Furthermore, the usage of application notes to nest definitions is a standard practice of the Sentencing Commission. *Martinez*. If the Sentencing Commission did not intend for application notes to be used as definitional provisions, they would not systematically use them for such purposes.

Therefore, USSG § 4B1.1 intentionally omits usage of the words “attempt” and “conspiracy” because they are included in § 4B1.2 “Definition of Terms Used in Section 4B1.1.” The omission of “attempt” and “conspiracy” from the guideline makes reliance on the application note for definitional provision a customary practice.

C. It is imperative that judges follow the Sentencing Guidelines to ensure that individuals receive equal punishment for equal crimes.

Section 994(h) of Title 28 of the United States Code requires the Sentencing Commission to set a term of imprisonment at near the maximum term authorized for an adult defendant who is convicted of a felony offense outlined in § 401 of the Controlled Substances Act (21 U.S.C § 841) and has previously been convicted of two or more prior felonies, each of which is an offense described in § 401 of the Controlled Substance Act. 28 U.S.C.A. § 994 (West). In *United States v. Allen* the court asserted that although at the time the background commentary to § 4B.1.1 Identified § 994 (h) as the source of the mandate implemented by the guideline, it was clear that the Commission could rely on the broader language of all other parts of § 994 (a), which in turn refers § 994, to include conspiracy related offenses in the career offender guideline. *United States v. Allen*, 24 F.3d 1180, 1187 (10th Cir. 1994).

In the instant matter, the respondent’s prior felony convictions meet the qualifications for being considered controlled substance offenses. In *Allen* the Tenth Circuit Court of Appeals reasoned that § 994 intended that conspiracy related offenses be included in the career offender guideline. Thus, even if opposing counsel is able to convince the court that Application Note 1 of the commentary to § 4B1.2 does not have bearing on whether attempt and conspiracy offenses qualify as predicate offenses under § 4B1.1 the court should refer to the analysis provided in *Allen*. When the District Court judge issued sentencing for the respondents, he did so

in accordance with 28 U.S.C § 994 (h). He issued sentences of imprisonment near the maximum term for the respondents because they fit the criteria outlined in the statute and are Career Offenders.

Therefore, this court should uphold the sentence issued by the District Court Judge because it is in alignment with the sentencing guidelines.

CONCLUSION

Sentencing Commentary serves an essential function within the criminal justice system, ensuring that defendants are provided with appropriate sentencing and upholding the virtues of fairness and justice. In the instant matter, District Court Judge Philip Banks leveraged sentencing commentary in an appropriate manner when determining that the respondent's previous felony convictions were classified as predicate offenses under § 4B1.1 for the purposes of Career Offender Status.

Applicant Details

First Name	Evelyn
Last Name	McCorkle
Citizenship Status	U. S. Citizen
Email Address	epm2139@columbia.edu
Address	<div> <div>Address</div> <div> <div>Street</div> <div>521 W. 111th Street, Apt 25A</div> <div>City</div> <div>New York</div> <div>State/Territory</div> <div>New York</div> <div>Zip</div> <div>10025</div> </div> </div>
Contact Phone Number	7743924100

Applicant Education

BA/BS From	Barnard College
Date of BA/BS	May 2018
JD/LLB From	Columbia University School of Law
	http://www.law.columbia.edu
Date of JD/LLB	May 1, 2024
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Journal of Law and Social Problems
Moot Court Experience	Yes
Moot Court Name(s)	1L General - Copyright

Bar Admission

Prior Judicial Experience

Judicial Internships/Externships	Yes
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Recommenders

Garnett, Margaret
margaretgarnett1@gmail.com

Briffault, Richard
richard.briffault@law.columbia.edu
212-854-2638

Metzger, Gillian
gmetzg1@law.columbia.edu

This applicant has certified that all data entered in this profile and any application documents are true and correct.

EVELYN MCCORKLE

521 West 111th Street, Apt 25A, New York, NY 10025 • (774) 392-4100 • epm2139@columbia.edu

June 12, 2023

The Honorable Jamar K. Walker
United States District Court
Eastern District of Virginia
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am a rising third-year student, Harlan Fiske Stone Scholar, and Executive Board member of the *Journal of Law and Social Problems* at Columbia Law School. I write to apply for a clerkship in your chambers for the 2024 term or any term thereafter. I am particularly interested in clerking in your chambers because of your dedication to public service and the invaluable experience you bring to the bench as a longtime litigator. As I look towards pursuing a career in federal prosecution, I would be thrilled to work with you and learn from you in any way I can.

I would bring my strong research and writing skills to your chambers. Last summer, I interned with the U.S. Attorney's Office for the Eastern District of New York. As an intern, I worked to finetune my legal research and writing skills and drafted both legal memoranda and motions in limine for use in ongoing cases. Attending proceedings before the E.D.N.Y. judges was the push I needed to consider pursuing a clerkship. My time at E.D.N.Y. also affirmed my goal of being a federal prosecutor. In the face of hefty caseloads and difficult legal problems, the AUSAs found creative solutions and represented the United States with skill and candor. I want to clerk for a judge with your experience, from whom I can learn how to be an effective advocate and responsible, public interest-minded prosecutor.

I also have experience working in federal district courts. This spring, I served as an intern for Judge Katherine Polk Failla at the U.S. District Court for the Southern District of New York. Working closely with the Judge and her clerks confirmed my own desire to clerk after graduation. I attended both civil and criminal proceedings, familiarized myself with courtroom practice, and honed my research and writing skills. As I develop my own skill set and style as a litigator, I want the experience that comes from working for a judge in a district with a demanding and fast-paced docket.

Enclosed please find my resume, transcript, and writing sample, which more fully detail my skills and experience. Following separately are letters of recommendation from Columbia Law School Professors Gillian Metzger (gem3@columbia.edu, 646-530-0640) and Richard Briffault (rbl4@columbia.edu, 212-854-2638), as well as Deputy U.S. Attorney for the Southern District of New York Margaret Garnett (margaretgarnett1@gmail.com). Thank you for your consideration, and please do not hesitate to contact me if you need further information.

Sincerely,



Evelyn McCorkle

EVELYN MCCORKLE

521 West 111th Street, Apt 25A, New York, NY 10025 • (774) 392-4100 • epm2139@columbia.edu

EDUCATION

Columbia Law School, New York, NY

J.D. expected May 2024

Honors: Harlan Fiske Stone Scholar

Activities: *Journal of Law and Social Problems*, Executive Finance Editor (duties include engaging in all final reads with EIC and EE, running *JLSP* special projects, and reporting annual financials to the Board)
OutLaws, Judiciary Chair
Columbia Law Women's Association, Treasurer

Barnard College, Columbia University, New York, NY

B.A. received in Political Science May 2018

Minor: Economics

Honors: Dean's List (5/8 semesters)

Activities: Student Government Associate, VP of Finance
Research Assistant to Barnard College President Debora Spar
Bard Globalization and International Affairs Program

EXPERIENCE

Department of Justice Public Integrity Section, Washington, D.C.

Incoming Summer Intern

Starting July 2023

Allen & Overy, New York, NY

Summer Associate

May 2023 – July 2023

Researching and writing for: a CJA RICO conspiracy defense, a pro bono asylum matter, and a white collar/securities regulation cryptocurrency defense.

Office of the Hon. Judge Katherine Polk Failla, New York, NY

Spring Extern

January 2023 – April 2023

Performed legal research and writing (produced a written opinion as to a motion to compel arbitration, an oral decision as to a motion to remand or in the alternative vacate without prejudice, and a memorandum on personal jurisdiction). Participated in proceedings (criminal and civil) taking notes for clerks.

United States Attorney's Office for the Eastern District of New York, Brooklyn, NY

Summer Legal Intern

May 2022 – August 2022

Conducted legal research and drafted memoranda regarding findings for cases from the Public Integrity and General Crimes sections. Drafted motions in limine for use in ongoing cases. Participated in internal meetings, proffers, witness preparation sessions, status conferences, and trials.

NYC Department of Investigation, New York, NY

Confidential Investigator

June 2018 – September 2021

Investigated cases of corruption, fraud, and other illegal activities committed by elected officials and other city employees, agencies, and nonprofit organizations receiving city funding. Produced policy recommendations and public reports on findings or referred cases for prosecution. Wrote three annual Anticorruption Reports for DOI Squad 5, covering corruption vulnerabilities and mitigation efforts undertaken by the agencies under Squad 5 oversight. Conducted surveillance, forensic accounting, wires, interviews, and arrests.

New Sanctuary Coalition, New York, NY

Pro Se Clinic Volunteer

October 2019 – June 2021

Aided asylum seekers by completing I-589s, drafting affidavits, and working with assigned attorneys.

SKILLS AND INTERESTS

French (proficient) • NY State Rape Crisis Counselor • Car Camping • Crossfit • Dungeons & Dragons



Registration Services

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CLS TRANSCRIPT (Unofficial)

05/23/2023 21:14:56

Program: Juris Doctor

Evelyn P McCorkle

Spring 2023

Course ID	Course Name	Instructor(s)	Points	Final Grade
L6238-1	Criminal Adjudication	Shechtman, Paul	3.0	A-
L6661-1	Ex. Federal Court Clerk - SDNY	Radvany, Paul	1.0	CR
L6661-2	Ex. Federal Court Clerk - SDNY - Fieldwork	Radvany, Paul	3.0	CR
L6429-1	Federal Criminal Law	Richman, Daniel	3.0	A-
L9137-1	S. Sentencing	Richman, Daniel; Sullivan, Richard	2.0	A

Total Registered Points: 12.0

Total Earned Points: 12.0

January 2023

Course ID	Course Name	Instructor(s)	Points	Final Grade
L8899-1	S. Practicing International Law: Maritime Conflicts and Law of the Sea	Harris, Robert; Waxman, Matthew C.	1.0	CR

Total Registered Points: 1.0

Total Earned Points: 1.0

Fall 2022

Course ID	Course Name	Instructor(s)	Points	Final Grade
L6241-2	Evidence	Capra, Daniel	4.0	B+
L6425-1	Federal Courts	Metzger, Gillian	4.0	B
L6269-1	International Law	Damrosch, Lori Fisler	3.0	A
L6675-1	Major Writing Credit	Metzger, Gillian	0.0	CR
L8812-1	S. Public Integrity and Public Corruption [Minor Writing Credit - Earned]	Briffault, Richard	2.0	A
L6683-1	Supervised Research Paper	Metzger, Gillian	1.0	CR

Total Registered Points: 14.0

Total Earned Points: 14.0

Spring 2022

Course ID	Course Name	Instructor(s)	Points	Final Grade
L6108-4	Criminal Law	Seo, Sarah A.	3.0	B+
L6679-1	Foundation Year Moot Court		0.0	CR
L6121-12	Legal Practice Workshop II	McCamphill, Amy L.	1.0	P
L6169-1	Legislation and Regulation	Metzger, Gillian	4.0	A
L6116-4	Property	Merrill, Thomas W.	4.0	B
L6118-2	Torts	Rapaczynski, Andrzej	4.0	B

Total Registered Points: 16.0

Total Earned Points: 16.0

January 2022

Course ID	Course Name	Instructor(s)	Points	Final Grade
L6130-6	Legal Methods II: International Problem Solving	Hakimi, Monica	1.0	CR

Total Registered Points: 1.0

Total Earned Points: 1.0

Fall 2021

Course ID	Course Name	Instructor(s)	Points	Final Grade
L6101-2	Civil Procedure	Genty, Philip M.	4.0	B
L6133-2	Constitutional Law	Ponsa-Kraus, Christina D.	4.0	B
L6105-4	Contracts	Emens, Elizabeth F.	4.0	B+
L6113-2	Legal Methods	Briffault, Richard	1.0	CR
L6115-12	Legal Practice Workshop I	McCamphill, Amy L.; Yoon, Nam Jin	2.0	P

Total Registered Points: 15.0

Total Earned Points: 15.0

Total Registered JD Program Points: 59.0

Total Earned JD Program Points: 59.0

Issue Date: 06/17/2020

BARNARD COLLEGE TRANSCRIPT

NAME McCorkle, Evelyn P. ENTERED FALL 2015 TRANSFER DEGREE BACHELOR OF ARTS, May 16, 2018
ADDRESS ON 15 Pleasant View Avenue FROM University of Washington
ADMISSION Falmouth MA 02540-3136 Seattle, WA

BARNARD ID 1728157 MAJOR Political Science - Sr Req:Pass
BIRTH DATE 02/24/1996 MINOR Economics
ISSUE DATE 06/17/2020

TRANSFER CREDIT		FALL 2017	
UNIV OF WASHINGTON 14-15	30.0	ECON BC3018 ECONOMETRICS	4.0 P
		ECON BC3024 MIGRATION & ECONOMIC CHANGE	3.0 B+
ADVANCED PLACEMENT CREDIT		ECON BC3063 SR SEM:STEREOTYPES, CRIME, JSTC	4.0 A
ENGLISH LIT/COMP	3.0	POLS UN1201 INTRO TO AMERICAN POLITICS	4.0 A
FRENCH	6.0		15.0 3.81
U. S. HISTORY	3.0		
		SPRING 2018	
FALL 2015		ECON GU4228 URBAN ECONOMICS	3.0 B
AFRS BC3528 HIST CULT POLIT ECON HARLEM	4.0 A	ECON UN3025 FINANCIAL ECONOMICS	3.0 UW
ECON BC2075 LOGIC LIMITS ECONOMIC JUSTICE	3.0 B+	POLS BC3055 COLL:POL VIOLENCE & TERRORISM	4.0 A-
ECON BC2411 STATISTICS FOR ECONOMICS	4.0 B	POLS GU4845 NAT SECURITY STRAT OF MID EAST	4.0 A
POLS VI013 POLITICAL THEORY I	4.0 B+		11.0 3.62
	15.0 3.41		
On Dean's List for Spring 2018			
SPRING 2016		BARNARD POINTS COMPLETED [GPA] 86.0 3.69	
ECON BC1007 MATH METHODS FOR ECONOMICS	4.0 A-	TRANSFER POINTS	30.0
ECON BC3033 INTERMEDTE MACROECONOMC THEORY	4.0 B-	SUMMER POINTS	0.0
ECON BC3041 THEORETICL FOUNDTNS-POLIT ECON	3.0 A-	OTHER POINTS	12.0
POLS VI601 INTERNATIONAL POLITICS	3.0 A-	CUMULATIVE POINTS COMPLETED	128.0
PHED BC1589 WOMEN'S STRENGTH	1.0 P*		
	15.0 3.41		
FALL 2016			
CPLT BC3110 INTRO TO TRANSLATION STUDIES	3.0 A		
ECON BC3035 INTERMEDTE MICROECONOMC THEORY	4.0 B+		
EESC BC1001 ENVIRONMENTAL SCIENCE I	4.5 A+		
POLS BC3500 COLL:POLIT ECON:CORRPTN/CONTRL	4.0 A-		
	15.5 3.83		
On Dean's List for Fall 2016			
SPRING 2017			
EESC BC1002 ENVIRONMENTAL SCIENCE II	4.5 A+		
POLS BC3254 FIRST AMENDMENT VALUES	3.0 A		
POLS BC3543 COLL:NON-STATE GOV CRIME/WAR	4.0 A-		
VIAR UN1000 BASIC DRAWING	3.0 A+		
	14.5 4.07		
On Dean's List for Spring 2017			

Jennifer Simmons
Barnard College Registrar

June 11, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am delighted to provide you with this letter of recommendation for Evelyn McCorkle, who I understand has applied for a clerkship with your chambers. I first came to know Evelyn when I was the Commissioner of the New York City Department of Investigation, where she worked as an Investigator prior to law school. DOI is the inspector general for all of New York City government, and Evelyn was assigned to Squad 5, which covers the non-profit contracting sector as well as all City elected officials, including the Mayor and City Hall. As a consequence, Evelyn worked on many highly sensitive and complex matters, always distinguishing herself with her work ethic, attention to detail, and determination to follow the facts wherever they led.

I worked directly and closely with Evelyn when she was one of the investigators assigned to a series of allegations related to the possible misuse of his NYPD security detail by the Mayor and his family. Because of the high-profile and sensitive nature of the investigation, I was personally involved in both the investigation and the writing and editing of the report that we ultimately issued in the fall of 2021. Thus, I had much more exposure to Evelyn and to her work than would typically be the case for a Commissioner and an entry-level investigator in the agency. Although Evelyn was barely a year out of college when the investigation began, she quickly became a key member of the team, with great investigative instincts, maturity beyond her years in handling difficult and contentious interviews, and tremendous dedication to advancing the investigation despite the challenges presented by the COVID-19 pandemic. I personally attended the investigative interviews of the Mayor and First Lady, given the sensitivities involved, and I watched with pride as Evelyn, together with her investigative partner, led these interviews with confidence, poise, professionalism, and outstanding judgment. Although Evelyn was about to leave DOI to begin law school at Columbia, she also contributed significantly to the drafting and editing of the public report outlining our findings. Such was Evelyn's dedication to this project and to her colleagues on the investigative team, that even after starting law school she continued to work on an hourly basis in order to ensure that she could contribute to the final report, issued in early October 2021.

In November 2021, I left DOI to return to the United States Attorney's Office for the Southern District of New York, to become the Deputy U.S. Attorney. I had previously served as an AUSA in that Office from 2005 to 2017, including as the Chief of the Violent & Organized Crime Unit, and the Chief of Appeals. I have stayed in close contact with Evelyn, as a mentor, since she left DOI for law school, and have seen her continue to grow professionally and seek out every opportunity to achieve her goals as a lawyer.

I am confident that Evelyn would be an asset to any District Court chambers — she is bright, hardworking, organized, and able to juggle multiple competing priorities effectively. She is insightful about people and their motivations and has great professional judgment. On an interpersonal level, she is a delight — funny, kind, optimistic, a selfless teammate — particularly important in the small and close-knit environment of chambers. Despite the significant gap in our positions at DOI, Evelyn had a wonderful manner with me — deftly navigating being appropriately deferential while also participating fully and thoughtfully in the robust debate that I insisted on from the team in such a sensitive and important investigation. I think many of these dynamics mirror what I imagine you might seek from your law clerks, and I firmly believe Evelyn will be up to the task. Finally, I know that Evelyn has a tremendous heart for public service, and that she is looking to her clerkship as the next step to prepare her for such a career. I know that she will bring the same integrity, commitment, and public-minded spirit to her work as a law clerk that she did to her work at DOI and to her internships in the EDNY U.S. Attorney's Office, at the Public Integrity Section of DOJ, and with Judge Failla.

Although I can't speak directly to Evelyn's legal analysis and legal writing (and I understand Dean Metzger's letter will address those), in all other respects I give Evelyn my strongest recommendation. Please don't hesitate to contact me if I can answer any questions or be of further assistance to you in the law clerk selection process. You can reach me by email at Margaret.garnett@usdoj.gov, or by phone at 212-637-1591 or 646-483-4406.

Margaret Garnett - margaretgarnett1@gmail.com

COLUMBIA LAW SCHOOL
435 West 116th Street
New York, NY 10027

June 07, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Re: Evelyn P. McCorkle

Dear Judge Walker:

I am writing in support of Evelyn P. McCorkle of the Columbia Law School Class of 2023, who is applying to you for a clerkship. Evelyn has excellent research and writing skills, an enthusiasm for learning and the law, and a demonstrated commitment to public service. She will make an excellent law clerk.

I taught Evelyn in two courses – Legal Methods in the Fall 2021 term and the Seminar on Public Integrity and Public Corruption in the Fall 2022 term. Legal Methods is Columbia's intensive "introduction-to-law" course, given at the start of the 1L year, to initiate students into the case method, statutory interpretation, and legal reasoning. Evelyn got off to a strong start in Legal Methods, demonstrating understanding of the material and eager engagement with legal analysis. As the course is taught on a pass-fail basis, I did not have occasion to closely evaluate her work.

Evelyn was an outstanding participant in my Seminar, which combines material on the white-collar crime aspects of corruption, with campaign finance law, lobbying regulation and government ethics. She was a frequent and insightful participant in class discussions, often taking the lead in analyzing the cases and statutes and linking them to current problems. She wrote four excellent reaction papers that displayed a close reading of the assignment and thoughtful assessment of the reasoning or arguments in the material. Over the course of the semester, she was increasingly attentive to the complexities of the subject – the risks of overcriminalization, the potential benefits of what is often pejoratively referred to as the "revolving door," and the difficulties of effectively regulating campaign finance and lobbying. Evelyn wrote an outstanding re-search paper on municipal offices of inspectors general, in which she compared the offices in New York City and Atlanta with respect to the motives for their creation, the type of oversight in which the office engages, the nature of its powers, its investigative authority, and its insulation from political control. The paper was thoroughly researched and very well written. Together the strength of the paper and quality of Evelyn's classroom work and reaction papers made it easy to give her an A for the Seminar.

Evelyn has a strong background in, and commitment to, public integrity work. Before coming to law school, she worked for three years as a confidential investigator at the New York City Department of Investigations. During her 1L year, she came to see me to discuss both law school and career opportunities in public integrity work. In addition to her Seminar classroom work, we have had extensive office discussions of the importance and challenges of that work.

Evelyn has excellent research and writing skills and legal experience, and she is deeply committed to public service. In her 1L summer, she worked as an intern in the United States Attorney's Office for the Eastern District of New York, where she conducted legal research and drafted memoranda regarding findings for cases from the Public Integrity and General Crimes sections. This past spring she was an extern in the Office of the Hon. Katherine Polk Failla, and this summer she will be an intern in the Public Integrity Section of the Department of Justice in Washington, D.C.

Beyond her specific experiences, strengths, and commitments, Evelyn brings an almost joyful curiosity to her work. She delights in learning and discussing law. She has an unusual zest to doctrinal analysis and legal research. I am sure you will find her a pleasure to have in your chambers.

Based on her strong research and writing skills, her demonstrated commitment to public service, and her enthusiasm for legal work, I am happy to recommend Evelyn P. McCorkle to you for a clerkship.

All the best,

Richard Briffault
Joseph P. Chamberlain Professor of Legislation

Richard Briffault - richard.briffault@law.columbia.edu - 212-854-2638

June 07, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I'm writing to recommend Evelyn McCorkle, a rising Columbia Law School 3L, for a clerkship in your chambers. Evelyn is an extremely smart and thoughtful law student with a deep commitment to public service. Teaching her has been a pleasure, and I'm sure she would be a wonderful and valued addition to chambers.

I have taught Evelyn in two classes at Columbia: Legislation and Regulation and Federal Courts. Evelyn got an A- in LegReg and was a very strong and important contributor to the class. Her comments were always nuanced and original, drawing insights from the three years she spent working in a local administrative office before law school. She is also very adept at doctrinal analysis. I would keep an eye out to make sure to call on her whenever she volunteered because I found her comments so valuable—and cold-calling her repeatedly seemed unfair!

I also enjoyed having Evelyn in Federal Courts. It was a much larger class with fewer volunteer opportunities, and I know for personal reasons it was a challenging time for her. Even so, Evelyn made great contributions when I called on her, and her comments in class and in office hours demonstrated a strong grasp of the material. I do not believe that the B grade she got in the class is an accurate reflection of her ability or understanding of Federal Courts. Indeed, what strikes me when I look at Evelyn's transcript is the strong trajectory upward. Like many students who took a few years off, it took her a little while to adjust to law school, but her grades 2L year are more in keeping with her impressive abilities.

I also supervised Evelyn's note, which is a well-written, comprehensive, and carefully argued assessment of judicial recusal reform. I was particularly impressed by Evelyn's initiative and ability to work independently. She had identified the topic and undertaken substantial research before we had our first substantive meeting—a very rare occurrence in my experience! Evelyn was never defensive but instead responded to criticism by rethinking her analysis and deepening her arguments in the process.

Finally, Evelyn is notably mature and has a warm and engaging manner. I really enjoyed our conversations about her note; Evelyn's excitement about her topic was always evident and contagious. She has a deep commitment to working on public corruption issues, and her enthusiasm for public service is a joy to see. I am confident you would enjoy working closely with her.

Please do not hesitate to contact me if there is any further information on Evelyn that I can provide.

Very truly yours,

Gillian E. Metzger

Gillian Metzger - gmetzg1@law.columbia.edu

EVELYN MCCORKLE

521 West 111th Street, Apt 25A, New York, NY 10025 • (774) 392-4100 • epm2139@columbia.edu

WRITING SAMPLE

This writing sample is a bench memorandum that I prepared while interning for Judge Katherine Polk Failla of the Southern District of New York. I received permission from the Judge to redact and rework the memo so that it could be used as a writing sample. For brevity I removed all but the discussion section, and for privacy I redacted all identifying information from the body of the memo itself. This has been edited only by me.

Summary of the Facts:

Plaintiff is an American board game company that entered into an agreement with Defendant Y, a British board game company. The agreement in question, termed the “License Agreement,” included a forum selection clause, and limited how and when the License Agreement could be terminated. A number of years after the initial License Agreement was signed, another British board game company—Defendant Z—bought Defendant Y. Ultimately, Defendant Z then instructed Plaintiff that it was terminating the License Agreement. As a result, Plaintiff brought this suit against both Defendant Y and Defendant Z in the Southern District of New York, pursuant to the forum selection clause in the License Agreement. Defendant Z moves the Court to dismiss for lack of personal jurisdiction, and for failure to state a claim.

DISCUSSION

Defendant Z moves the Court to dismiss for lack of personal jurisdiction, and for failure to state a claim. The Court should address the issues in the following order: (i) personal jurisdiction over Defendant Z, and (ii) failure to state a claim. Personal jurisdiction is a threshold issue—the case must be dismissed if the plaintiff fails to meet its burden of demonstrating that jurisdiction exists. As discussed below, the Court should deny both of Defendant’s motions, finding that Plaintiff has sufficiently alleged jurisdiction under the successor-in-interest and “closely related” doctrines, and that Plaintiff has adequately alleged facts to state its claims.

A. Personal Jurisdiction

Defendant Z moves the Court pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure to dismiss it for lack of personal jurisdiction. Defendant Z further alleges that regardless, personal jurisdiction should be foreclosed by the due process guarantees of the Constitution, because—it alleges—it has not had the “minimum contacts” with New York necessary to be subject to jurisdiction here. *Id.* at 2.

The parties do not dispute that by its terms Defendant Z is not a signatory to the License Agreement between Plaintiff and Defendant Y. Rather, Plaintiff argues that personal jurisdiction nevertheless exists pursuant to either a theory of successor assumption of liability, or the “closely related” doctrine. (Pl. Opp. at 6-7). Defendant Z contends that its “parent-subsidiary” relationship with Defendant Y is insufficient to enforce the License Agreement’s forum selection clause against it under the “closely related” doctrine. (Def. Br. at 1-2).

The Court should recognize that the law in this area is actively developing, but find that Plaintiff has alleged sufficient facts to support that Defendant Z has more than just a “parent-subsidiary” relationship with Defendant Y under either doctrine. Defendant Z has assumed Defendant Y’s liabilities under New York law such that it can be bound by the License Agreement’s forum selection clause and is subject to personal jurisdiction in New York. As such the Court should deny Defendant Z’s motion to dismiss.

1. Applicable Law

“On a Rule 12(b)(2) motion, plaintiff carries the burden of demonstrating that jurisdiction exists, and where the district court did not conduct a full-blown evidentiary hearing on a motion, the plaintiff need make only a *prima facie* showing of jurisdiction.” *Penachio v. Benedict*, 461 F. App’x 4, 5 (2d Cir. 2012) (summary order) (internal quotation marks and citations omitted). In deciding a Rule 12(b)(2) motion, the Court “construe[s] the pleadings and affidavits in the light most favorable to [the plaintiff], resolving all doubts in [its] favor.” *DiStefano v. Carozzi N. Am., Inc.*, 286 F.3d 81, 84 (2d Cir. 2001). However, the Court cannot “draw argumentative inferences in the plaintiff’s favor” and need not “accept as true a legal conclusion couched as a factual allegation.” *O’Neill v. Asat Trust Reg.*, 714 F.3d 659, 673 (2d Cir. 2013).

If the Court lacks personal jurisdiction over a defendant, the claims against that defendant must be dismissed. However, in deciding a pretrial motion to dismiss for lack of personal jurisdiction “a district court has considerable procedural leeway.” *Marine Midland Bank, N.A. v. Miller*, 664 F.2d 899, 904 (2d Cir. 1981) (citations omitted). The Court may “determine the motion on the basis of

affidavits alone or it may permit discovery in aid of the motion; or it may conduct an evidentiary hearing on the merits of the motion.” *Id.* Still, the “[p]laintiff ultimately bears the burden of establishing personal jurisdiction by a preponderance of the evidence, either at an evidentiary hearing or at trial.” *Metro-Goldwyn-Mayer Studios Inc. v. Canal+ Distribution S.A.S.*, No. 07 Civ. 2918 (DAB), 2010 WL 537583, at *5 (S.D.N.Y. Feb. 9, 2010).

“As a general rule,” New York contract law does not hold an entity “purchasing the assets of another ... liable for the debts and liabilities of the seller.” *Miller v. Mercuria Energy Trading, Inc.*, 291 F. Supp. 3d 509, 525 (S.D.N.Y. 2018), *aff’d* 774 Fed. App’x 714 (2d Cir. 2019). However, the general rule does not apply in four scenarios: where “[i] a buyer who formally assumes a seller’s debts; [ii] transactions undertaken to defraud creditors; [iii] a buyer who de facto merged with a seller; and [iv] a buyer that is a mere continuation of a seller.” *Aguas Lenders Recovery Grp. v. Suez, S.A.*, 585 F.3d 696, 702 (2d Cir. 2009). Each scenario communicates a sufficiently close relationship between buyer and seller to bind the buyer to the seller’s obligations. The third scenario, “buyer who de facto merges with a seller,” can be satisfied by a successor-in-interest analysis. “Thus, for example, ‘when a successor firm acquires substantially all of the predecessor’s assets and carries on substantially all of the predecessor’s operations, the successor may be held to have assumed its predecessor’s ... liabilities, notwithstanding the traditional rule.’” *Aguas Lenders Recovery Grp.*, (2d Cir. 2009) (ellipses in original) (quoting *Nettis v. Levitt*, 241 F.3d 186, 193 (2d Cir. 2001), overruled on other grounds by *Slayton v. Am. Express Co.*, 460 F.3d 215 (2d Cir. 2006)). The Second Circuit has further held that successors to contracts under the de facto merger doctrine should be prevented “from using evasive, formalistic means lacking economic substance to escape contractual obligations.” *Nitro Elec. Co., Inc. v. ALTIVIA Petrochemicals, LLC*, No. 3:17 Civ. 2412 (RCC), 2017 WL 6567813, at *4 (S.D.W. Va. Dec. 22, 2017). There appears to be a degree of overlap between the successor-in-interest/de facto merger doctrine and the “closely related” doctrine that also stems from *Aguas*, in that courts have found that successors-in-interest can in some circumstances satisfy the “closely related” test. See *Vuzix Corp. v. Pearson*, No. 19 Civ. 689 (NRB) 2019 WL 5865342, at *5 (S.D.N.Y. November 6, 2019) quoting *Affiliated FM Ins. Co. v. Kuebne + Nagel, Inc.*, 328 F. Supp. 3d 329, 336 (S.D.N.Y. 2018); see also *Miller v. Mercuria Energy Trading, Inc.* 291 F. Supp. 3d 509, 524-25 (S.D.N.Y. 2018) (collecting cases).

As evidenced by the availability of both the successor-in-interest doctrine discussed above, and the “closely related” doctrine to follow, the Second Circuit has “declined to adopt a standard governing precisely ‘when a signatory may enforce a forum selection clause against a non-signatory.’” *Fasano v. Li*, 47 F.4th 91, 103 (2d Cir. 2022) (quoting *Magi XXI, Inc. v. Stato della Città del Vaticano*, 714 F.3d 714, 723 N.10 (2d Cir. 2013)). Under the “closely related” doctrine, non-signatories may be bound by forum selection clauses where, “under the circumstances, the non-signatories enjoyed a sufficiently close nexus to the dispute or to another signatory such that it was foreseeable that they would be bound.” *Fasano*, 714 F.3d at 103. Under this doctrine, a signatory to a contract may invoke a forum selection clause against a non-signatory if the non-signatory is “closely related” to one of the signatories. *Metro-Goldwyn-Mayer Studios Inc.*, 2010 WL 537583, at * 5 (internal quotation marks and citations omitted). Non-signatories have been found “closely related” where their interests are “completely derivative of” and “directly related to, if not predicated upon” the signatories’ interests or conduct. *Id.* Courts typically find parties to be “closely related” in two situations: “where the non-signatory had an active role in the transaction between the signatories or where the non-signatory had an active role in the company that was the signatory.” *Affiliated FM Ins. Co.*, 328 F. Supp. 3d at 336 (internal quotation marks omitted). But, as discussed above, courts in this district have also found that “successors-in-interest ... at least in some instances, satisf[y] the ‘closely related’ test.” *Vuzix Corp.*, 2019 WL 5865342, at *5 quoting *Affiliated FM Ins. Co.*, 328 F. Supp. 3d at 336.

In recent years, a number of courts in the Southern District of New York have argued that while the *Agas* doctrines are appropriate as to motions to dismiss based on grounds of improper venue and forum non conveniens, motions to dismiss for lack of personal jurisdiction are different. See e.g., *Arcadia Biosciences, Inc. v. Vilmorin & Cie*, 356 F. Supp. 3d 379, 389 (S.D.N.Y. 2019). These courts assert that “the rules governing personal jurisdiction” are “driven by constitutional concerns over the court’s power to exercise control over the parties.” *Id.* at 389 (internal quotation marks and citations omitted). Under this argument, plaintiffs must make some showing that defendants have “certain minimum contacts with [the forum] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.” *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945). Courts in these circumstances may not exercise personal jurisdiction unless “the defendant purposely avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.” *Hanson v. Denckla*, 357 U.S. 235, 253, 78 S.Ct. 1228, 2L.Ed.2d 1283 (1958).

Some courts have found that these constitutional requirements “caution against a liberal application of forum selection clauses to non-signatory defendants.” *Arcadia Biosciences, Inc.* 356 F. Supp. 3d at 389; see also *Mersen USA EP Corp. v. TDK Electronics Inc.*, 594 F. Supp. 3d 570 (S.D.N.Y. 2022). However, other courts—inside and outside this district—have found that the “closely related” doctrine can justify the exercise of personal jurisdiction over non-signatory defendants regardless of whether they had previous minimal contacts with the forum state. See, e.g., *Metro-Goldwyn-Mayer Studios Inc.*, 2010 WL 537583, at * 5; *Franklink Inc. v. BACE Servs., Inc.*, 50 F.4th 432, 437, 441-43 (5th Cir. 2022).

2. The Court Has Personal Jurisdiction Over Defendant Z.

Personal jurisdiction is a threshold issue; as such, the Court begins by determining whether Defendant Z has consented to personal jurisdiction, and whether the exercise of personal jurisdiction over Defendant Z comports with the constitutional requirements of due process. See *Basile v. Walt Disney Co.*, 717 F. Supp. 2d 381, 385 (S.D.N.Y. 2010) (“[V]enue and personal jurisdiction are threshold procedural issues to be decided before the substantive grounds in a motion to dismiss.”).

The License Agreement signed by Plaintiff and Defendant Y contains the following forum selection clause:

(1) This Agreement shall be construed in accordance with the law of the state of New York, United States, without respect to its choice of law principles . . . Any legal action or proceeding arising under this Agreement will be brought exclusively in the federal or state courts located in New York City, United States, and each party irrevocably consents to personal jurisdiction and venue therein and waives any claim of improper venue or inconvenient forum. In the event of a dispute arising out of or relating to this Agreement, the prevailing party shall be entitled to receive from the other party its reasonable attorneys’ fees and costs.

(Pl. Opp. Ex. B at § 16). Given the inclusion of this forum selection clause in the License Agreement between Plaintiff and Defendant Y, a determination of personal jurisdiction depends on whether Defendant Z, a non-signatory to the License Agreement, can nonetheless be bound by it. If

Defendant Z is bound by the License Agreement it has consented to personal jurisdiction in this Court.

To make this determination, the Court should turn to the two doctrines under *Aguas* discussed above. The first, successor-in-interest/de facto merger liability, occurs “when a successor firm acquires substantially all of the predecessor’s assets and carries on substantially all of the predecessor’s operations, [such that] the successor may be held to have assumed its predecessor’s . . . liabilities, notwithstanding the traditional rule.” *Aguas Lenders Recovery Grp.*, 585 F.3d at 702 (2d Cir. 2009) (ellipses in original and internal citations omitted). The second line of cases concerns the “closely related” doctrine, but because the “closely related” test can be satisfied by a successor-in-interest finding, the Court should proceed first with that analysis. *Vuzix Corp.*, 2019 WL 5865342, at *5 quoting *Affiliated FM Ins. Co.*, 328 F. Supp. 3d at 336.

a. Defendant Z is a Successor-in-Interest to Defendant Y

“[W]hen a successor firm acquires substantially all of the predecessor’s assets and carries on substantially all of the predecessor’s operations, the successor may be held to have assumed its predecessor’s . . . liabilities, notwithstanding the traditional rule [that an entity purchasing the assets of another is not liable for the debts and liabilities of the seller].” *Aguas Lenders Recovery Grp.*, 585 F.3d at 702 (2d Cir. 2009) (ellipses in original and omitting internal citations). Here, though the exact nature of the Defendant Z purchase of Defendant Y is unclear (Pl. Opp. at 4), Defendant Z acknowledges a parent-subsidary relationship between the defendants (Def. Br. at 1). Though Defendant Y remains in existence at least on paper, Plaintiff alleges that after Defendant Z made its purchase of Defendant Y, it took over all communications with Plaintiff, and ultimately Defendant Z—not Defendant Y— notified Plaintiff that it was terminating the License Agreement. (Compl. § 42; Pl. Opp. at 2). Plaintiff further alleges that Defendant Y “effectively has zero ongoing operations,” and that Defendant Z personnel conduct the marketing for Defendant Y products, and handle “all account, customer/sales and support inquiries about [Defendant Y] products” directed to Defendant Z email addresses, such that customers contacting Defendant Y getting replies from support@“Z”hqhelp.zendesk.com. (Pl. Opp. at 6-7).

Moreover, there appears to be no dispute between Plaintiff and Defendant Z that Defendant Z acquired substantially all of Defendant Y’s assets. The “Notice of Termination of Brand/Product License Agreement,” which was sent to Plaintiff on January 21, 2022, states in relevant part “As you know, all of the asserts and outstanding ownership shares of [Defendant Y] were sold to [Defendant Z] pursuant to that certain Share Purchase Agreement by and among Mr. Z and Mrs. Z, [Defendant Z], dated as of September 23, 2021.” *Id.* While it is true, as Defendant Z argues, that “a forum selection clause may not be enforced against a non-signatory parent corporation solely by virtue of its status as a parent corporation,” *Array Biopharma, Inc. v. AstraZeneca PLC*, No. 18-cv-235 (PKC) 2018 WL 3769971, at *1 (S.D.N.Y. Aug. 9, 2018), the Notice of Termination email merely serves to confirm Plaintiff’s allegations to the effect that Defendant Z acquired substantially all of Defendant Y’s assets, while the rest of Plaintiff’s alleged facts support their assertion that there exists more than a parent-subsidary relationship between the Defendants in this case. Plaintiff has compellingly alleged that Defendant Z has also taken over substantially all of Defendant Y’s operations. (Pl. Opp. at 9) (“Defendant Y has no employees, no officers, no directors, and no independent financial resources other than those held by Defendant. If Defendant Z is not *de jure* Defendant Y at this point, it is certainly *de facto* Defendant Y.”).

Moreover, Plaintiff convincingly argues that Defendant Z was aware of the existence of the forum selection clause and that it might be defensively invoked. (Compl. §§ 35; 37-39). While the precise corporate relationship between Defendant Z and Defendant Y is unclear at this stage of litigation, the facts alleged by Plaintiff suffice for the Court to conclude that Defendant Z is Defendant Y's successor-in-interest under New York law. *See Metro-Goldwyn-Mayer Studios Inc. v. Canal+ Distribution S.A.S.*, No. 07-civ-2918 (DAB), at *5 (S.D.N.Y. Feb. 9, 2010) (finding that a successor-in-interest owning a majority of signatory's shares, despite an unclear corporate relationship, is sufficient basis to conclude the plaintiff may invoke the contractual forum selection clause against the non-signatory entities that are "closely related" and deny defendants' motion to dismiss for lack of personal jurisdiction).

Plaintiff has adequately alleged that Defendant Z acquired substantially all of Defendant Y's assets and has taken on substantially all of its operations, thus fitting squarely in the role of successor under the *Aguas* line which permits exception to the general rule and provides an argument that Defendant Z is bound by the License Agreement and has consented to personal jurisdiction in New York. *Aguas*, 585 F.3d at 702. Resolving all doubts in Plaintiff's favor, *see DiStefano*, 286 F.3d at 84, the facts support that Defendant Z de facto merged with and is the successor to Defendant Y such that it may be held to the License Agreement's forum selection clause. *Aguas*, 585 F.3d at 702.

b. As Its Successor-in-Interest, Defendant Z is "Closely Related" to Defendant Y

Plaintiff would no doubt argue that the Court's analysis could end here, because it has sufficiently pleaded that Defendant Z is a successor-in-interest to Defendant Y. But Defendant Z argues that more is needed for a party to be found "'closely related' to the dispute such that it becomes 'foreseeable' that it will be bound." (Def. Br. at 7) (quoting *Cuno, Inc. v. Hayward Indus. Prods., Inc.*, No. 03-civ-3076 (MBM), 2005 WL 1123877, at *6 (S.D.N.Y. May 10, 2005) (internal citations omitted). Defendant Z asserts that Plaintiff has failed to allege foreseeability under a *Fasano* framework—which finds foreseeability where "[i] . . . the non-signatory acquiesce[s] to the forum selection clause 'by voluntarily bringing suit with signatories'; [ii] . . .] non-signatories provide . . . letters of credit to signatories and 'ha[ve] interests in the litigation that were directly related to, if not predicated upon those of the signatories'; and [iii] where non-signatories were . . . integrally related to signatories 'such that suit should be kept in a single forum.'" (Def. Br. at 7) (quoting *Fasano* at 103-04) (internal citations omitted).

Defendant Z also attempts to differentiate *Fasano* by emphasizing that the Second Circuit's decision there turned on the fact that "'it was repeatedly stated' that the non-signatory defendants would undertake the conduct underlying the complaint subject to the terms of conditions of 'the contract that contains the Forum Selection Clause' rendering 'reasonably foreseeable'" they would be bound. (Def. Br. at 7-9). Defendant Z argues that Plaintiff has failed to allege similar facts, and is unable to show that Defendant Z could have foreseen being the subject to the forum selection clause.

It is reasonable to differentiate *Fasano* from the case at hand; the License Agreement between Defendant Y and Defendant Z has not been provided to the Court, and so it is not clear whether Defendant Z was forewarned that it would be subject to the License Agreement with Plaintiff in the very explicit way the Second Circuit held that the defendant was in *Fasano*. If the License Agreement between Defendant Z and Defendant Y was that explicit, the Court has had no opportunity to confirm as much. In fact, Plaintiff makes complaints to this effect, noting that Defendant Z has refused to

produce documents in response to Plaintiff's discovery requests. (Pl. Opp. 2; 5). This does not, however, mean that the Court cannot find Defendant Z sufficiently "closely related" to Defendant Y for it to have been foreseeable that it could be bound as a non-signatory to the License Agreement. It is true that many courts have found parties "closely related" under *Aguas* for the reasons Defendant Z discusses, such as where defendants have had an active role in the initial transaction, or had a close relationship to the signatory at the time of the agreement. This does not refute the fact that still other courts have found parties "closely related" as "non-signatory alter egos, corporate executive officers, and successors-in-interest." *Affiliated FM Ins. Co.*, 328 F. Supp. 3d at 336; *see also Miller v. Mercuria Energy Trading, Inc.* 291 F. Supp. 3d 509, 524-25 (S.D.N.Y. 2018) (collecting cases).

Under a theory of successor-in-interest, and thus permissively under the "closely related" doctrine, Plaintiff has adequately alleged that Defendant Z should be bound to the License Agreement at issue and to the forum selection clause therein. This finding brings the Court to the final argument Defendant Z asserts with respect to its 12(b)(2) motion: that applying precedent from the *Aguas* line, including the "closely related" doctrine, is inappropriate in the personal jurisdiction context as it raises due process concerns. (Def. Br. at 10); *see also Mersen USA*, 2022 WL 902372, at *10; *Arcadia* 356 F.Supp.3d at 395.

c. The "Closely Related" Doctrine Does Not Require Defendant Z to Have Minimal Contacts With New York State

This Court is cognizant that its use of the "closely related" doctrine in the context of a motion to dismiss for lack of personal jurisdiction implicates the concerns of some courts regarding the constitutionality of imposing personal jurisdiction on a non-signatory with no minimal contacts in the forum state. *See Mersen USA*, 2022 WL 902372, at *10; *Arcadia* 356 F.Supp.3d at 395. The "closely related" doctrine has roots in *Aguas*, which, as the *Mersen USA* and *Arcadia* courts noted, was decided under the principle of forum non conveniens, not personal jurisdiction. *Fasano*, too, was decided under the "closely related" doctrine and in the context of forum non conveniens as opposed to personal jurisdiction. Select lower courts in other circuits have raised similar concerns that the doctrine is in tension with the Supreme Court's minimum contacts requirements. *Fitness Together Franchise, LLC v. EM Fitness, LLC*, No. 1:20-cv-02757-DDD-STV, 2020 WL 6119470, at *5 (D.Colo. Oct. 16, 2020).

However, as Defendant Z admits (Def. Br. at 8), in other cases, including a recent and well-reasoned decision in the Fifth Circuit, courts *have* found it appropriate to bind non-signatory defendants subject to contractual forum selection clauses under the "closely related" doctrine in the context of a motion to dismiss for lack of personal jurisdiction. *Franklink Inc.*, 50 F.4th at 441-43. The Fifth Circuit acknowledged in *Franklink Inc.* the percolating legal theory that due process concerns should deter application of the "closely related" doctrine in the personal jurisdiction context, and the fact that the "closely related" has admittedly "vague standards." *Id.* at 440. This Court should concur with the Fifth Circuit's findings that the Third and Seventh Circuits have provided more clarification and explanation of the theory than other circuits. *Id.* at 439. Ultimately, the Fifth Circuit found that the doctrine has been sufficiently scrutinized. *Id.* at 441. In explaining its decision not to apply a minimal contacts requirement, the Fifth Circuit noted that the "closely related" doctrine "has been recognized by all other circuits to have considered it" and as such it was loath to create a circuit split, particularly when the doctrine could "serve a purpose in producing equitable results." *Id.* While not bound by the Fifth Circuit, this Court should find its argument persuasive that "prudence and judicial modesty caution against singularly swimming against this tide of authority." *Id.* The Second Circuit

has not spoken on this issue specifically or particularly clearly—*Fasano* was decided in the context of forum non conveniens—and until the Second Circuit does speak, the *Agua*s line supports a tailored application of the “closely related” doctrine, even on a motion to dismiss for lack of personal jurisdiction.

B. Failure to State a Claim

Defendant Z also moves the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff’s claims against it for failure to state a claim. Defendant Z argues that Plaintiff’s claims should be dismissed because Defendant is a non-signatory to the License Agreement that “is the foundation of [Plaintiff]’s case” (Def. Br. at 13). For the reasons outlined below, the Court should deny Defendant Z’s motion to dismiss.

1. Applicable Law

To survive a motion to dismiss pursuant to Rule 12(b)(6), a plaintiff must plead sufficient factual allegations “to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (omitting internal citations). The Court should grant dismissal pursuant to Rule 12(b)(6) only where the complaint cannot state any set of facts that would entitle the plaintiff to relief.” *Hertz Corp. v. City of N.Y.*, 1 F.3d 121, 125 (2d Cir. 1993). In determining the viability of Plaintiff’s claims, the Court must accept as true all well-pleaded factual allegations in the complaint. *Id.* at 678. Additionally, the Court may consider not only the complaint itself, but also documents attached to the complaint as exhibits, any statements or documents incorporated by reference in the complaint, and documents that are “integral” to the complaint even if they are not incorporated by reference. *See Chambers v. Time Warner, Inc.*, 282 F.3d 147, 152-53 (2d Cir. 2002); *see generally Goel v. Bunge, Ltd.*, 820 F.3d 554, 559 (2d Cir. 2016) (discussing materials that may properly be considered in resolving a motion brought under Fed. R. Civ. P. 12(b)(6), explaining that “[a] document is integral to the complaint ‘where the complaint relies heavily upon its terms and effect,’” which often involves “a contract or other legal document containing obligations upon which the plaintiff’s complaint stands or falls”). However, “although a court must accept as true all of the allegations contained in a complaint, that tenet is inapplicable to legal conclusions, and threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009) (internal quotation marks, alterations, and citations omitted); *see also Rolon v. Henneman*, 517 F.3d 140, 149 (2d Cir. 2008) (explaining that a court need not accept “conclusory allegations or legal conclusions masquerading as factual conclusions”).

2. Failure to State a Claim Discussion

Defendant Z asserts that “even if [it] were subject to jurisdiction in New York, [Plaintiff]’s claims against it should be dismissed because it is not a party to the agreement that is the foundation of [Plaintiff]’s case.” (Def. Br. at 13). Plaintiff argues that Defendant Z “has assumed the role of Defendant Y in connection with the Agreement” and that Defendant Z, not Defendant Y, worked with Plaintiff after Defendant Z’s acquisition of Defendant Y in September 2022. (Pl. Opp. at 9). Moreover, Plaintiff claims that Defendant Z, not Defendant Y, “purported to terminate the Agreement” which, it alleges, is the “breaching” action that led to the damages Plaintiff asserts. *Id.*

For substantially the same reasons identified in its consideration of the License Agreement's forum-selection clause, the Court should find that Plaintiff adequately pleads facts sufficient to support that Defendant Z so completely acquired Defendant Y's assets and took over its operations as to become Defendant Y's successor, sufficiently "closely related" to be bound to the contract despite being a non-signatory. As discussed below, the Court should also find that Plaintiff has adequately plead breach of contract and anticipatory breach of contract.

a. The Complaint Adequately Pleads a Breach of Contract

Under New York law, a claim for breach of contract must allege: "[i] the existence of an agreement, [ii] adequate performance of the contract by the plaintiff, [iii] breach of contract by the defendant, and [iv] damages." *Harsco Corp. v. Segui*, 91 F.3d 337, 348 (2d Cir. 1996). "In pleading these elements, a plaintiff must identify what provisions of the contract were breached as a result of the acts at issues." *Wolff v. Rare Medium, Inc.*, 171 F.Supp.2d 354, 358 (S.D.N.Y. 2001). Accepting as true all well-pleaded factual allegations in the complaint as the Court must, the Court should find that Plaintiff has plead sufficient facts to allege its own adequate performance of the License Agreement.

The existence of the License Agreement is clear and the fact that Defendant Z is bound to it has been settled above and thus satisfies the first element of breach.

Plaintiff sufficiently alleged both its own adequate performance—satisfying the second element—and damages that it suffered—satisfying the fourth element of breach. Plaintiff stated that in reliance on the assurances of first Defendant Y and later Defendant Z, it continued its efforts under the License Agreement between July 2021 (when Defendants first began negotiating their transaction) until the end of December 2021 (when Plaintiff was at last informed of Defendant Z's consideration of a plan to terminate the Agreement), and that this effort amounted to more than one million dollars in investments in inventory and related expenses, advertising, marketing, and development. (Compl. at §§ 36-40). Plaintiff further alleges that it has suffered damages in an amount significantly higher than one million dollars, estimating the damages to exceed \$35 million. (Compl. at § 55).

A determination of the remaining element of breach depends on an accurate reading of the License Agreement at issue. If, as Plaintiff alleges, Defendant's termination of the License Agreement constitutes a breach, then all elements of breach of contract have been satisfied.

Plaintiff alleges that Defendant Z's termination of the License Agreement was not authorized for multiple reasons: its interpretation of the Change of Control provision (Pl. Opp. Ex. B at § 9(f)), its interpretation of the Force Majeure provision (Pl. Opp. Ex. B at § 14), and its understanding that Defendant Y waived any potential justification based on sales targets in its communications with Plaintiff in late 2020.

The License Agreement between Plaintiff and Defendant Y provides that the initial term of the Agreement was to end on December 31, 2027 after which the Agreement would automatically renew for terms of one year unless terminated in accordance with the Agreement. (Pl. Opp. Ex. B at § 9(a)). What Plaintiff describes as the Change of Control Provision states:

A party may terminate this Agreement upon written notice to the other party if (i) insolvency, bankruptcy, or similar proceedings are instituted by or against such party, (ii) there is any assignment or attempted assignment by such party for the benefit of creditors, (iii) there is any appointment, or application of such appointment of a receiver for such party; or (iv) there is a sale or transfer of all or substantially all of the assets, or a merger or consolidation of such party, or a transfer of ownership that results in a change of voting control of such party.

(Pl. Opp. Ex. B at § 9(f)). Plaintiff invokes the most recent antecedent grammatical canon, and provides compelling examples as to why any alternative to reading the provision as protecting the non-changing party (as opposed to the party experiencing the change of control) would result in absurd outcomes. Plaintiff's reading of the provision is the best reading. Further, accepting as true Plaintiff's factual allegations as to its communications with Defendants and the shipping difficulties it experienced, the Agreement's Force Majeure provision supports Plaintiff's assertion that Defendant's attempted termination of the Agreement was unauthorized and constitutes breach. (Pl. Opp. Ex. B at §§ 14; 9).

In sum, Plaintiff sufficiently alleged (i) the existence of an agreement, (ii) its own adequate performance of the contract, (iii) breach of contract by Defendant Z, and (iv) resulting damages. Thus, the Court should find that Complaint adequately pleads a breach of contract.

b. The Complaint Adequately Pleads Anticipatory Breach of Contract

As to Plaintiff's claim of anticipatory breach, "[a]nticipatory repudiation occurs when, before the time for performance has arisen, a party to a contract declares his intention not to fulfill a contractual duty." *Lucente v. Int'l Bus. Machines Corp.*, 310 F.3d 243, 258 (2d Cir. 2002). Anticipatory repudiation "can be either a statement by the obligor to the obligee indicating that the obligor will commit a breach that would itself give the obligee a claim for damages for total breach or a voluntary affirmative act which renders the obligor unable or apparently unable to perform without such a breach." *Princes Point LLC v. Muss. Dev. L.L.C.*, 30 N.Y.3d 127, 133, 87 N.E.3d 121 (2017) (quoting *Norcon Power Partners v. Niagara Mohawk Power Corp.*, 92 N.Y.2d 458, 463, 682 N.Y.S.2d 664, 705 N.E.2d 656 (1998)). "For an anticipatory repudiation to be deemed to have occurred, the expression of intent not to perform by the repudiator must be 'positive and unequivocal.'" *Princes Point LLC*, 30 N.Y.3d at 133 (quoting *Tenavision, Inc. v. Neuman*, 45 N.Y.2d 145, 150 (1978)). When confronted with an anticipatory repudiation, the non-repudiating party has two mutually exclusive options. It may either (i) "elect to treat the repudiation as an anticipatory breach and seek damages for breach of contract, thereby terminating the contractual relation between the parties," or (ii) "continue to treat the contract as valid and await the designated time for performance before bringing suit." *Lucente*, 310 F.3d at 258.

Plaintiff obviously has opted for the latter. (Compl. § 41) (stating that "[n]otwithstanding [Defendant's breach], [Plaintiff] continued performing its obligations under the Agreement . . ."). As for a positive and unequivocal expression of intent not to perform by the repudiator, it is difficult to imagine a more unequivocal expression of intent not to perform than if Defendant, as alleged, informed Plaintiff of its intent to terminate i.e. cease compliance with the Agreement and follow through in announcing it has done so. (Compl. § 40; 42). As such, Plaintiff has adequately pleaded anticipatory repudiation of contract.

Applicant Details

First Name	Emma											
Last Name	McLaughlin											
Citizenship Status	U. S. Citizen											
Email Address	zja8mw@virginia.edu											
Address	<table><tr><th>Address</th></tr><tr><td>Street</td></tr><tr><td>123 Ivy Drive, Apt 3, Apt 3</td></tr><tr><td>City</td></tr><tr><td>Charlottesville</td></tr><tr><td>State/Territory</td></tr><tr><td>Virginia</td></tr><tr><td>Zip</td></tr><tr><td>22903</td></tr><tr><td>Country</td></tr><tr><td>United States</td></tr></table>	Address	Street	123 Ivy Drive, Apt 3, Apt 3	City	Charlottesville	State/Territory	Virginia	Zip	22903	Country	United States
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Virginia												
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22903												
Country												
United States												
Contact Phone Number	7039391557											

Applicant Education

BA/BS From	Davidson College
Date of BA/BS	May 2020
JD/LLB From	University of Virginia School of Law http://www.law.virginia.edu
Date of JD/LLB	May 19, 2024
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Virginia Law Review
Moot Court Experience	Yes
Moot Court Name(s)	William Minor Lile Moot Court Competition

Bar Admission

Prior Judicial Experience

Judicial Internships/ Externships	No
--------------------------------------	----

Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Recommenders

Barragan, Matthew
Matthew.Barragan@usdoj.gov
(213) 453-0602

Schragger, Richard
schragger@law.virginia.edu
434-924-3641

Jaffe, Caleb
cjaffe@law.virginia.edu
(434) 924-4776

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Emma E. McLaughlin

123 Ivy Drive, Apt. 03, Charlottesville, VA 22903
(703) 939-1557 • zja8mw@virginia.edu

June 12, 2023

The Honorable Jamar K. Walker
U.S. District Court, E.D. Va.
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker:

I am a rising third-year student at the University of Virginia School of Law, and I am writing to apply for a clerkship in your chambers. I expect to receive my J.D. in May 2024 and will be available to work any time after that.

I am enclosing my resume, my law school transcript, and a writing sample from my Urban Law and Policy class. You will also be receiving letters of recommendation from Professors Schragger and Jaffe and Assistant U.S. Attorney Matthew Barragan. Each of my recommenders have said that they would be happy to speak with you directly. If you would like to reach them, Professor Schragger's telephone number is (434) 924-3641, Professor Jaffe's telephone number is (434) 924-4776, and Attorney Barragan's telephone number is (213) 453-0602.

If you have any questions or need to contact me for any reason, please feel free to reach me at the above address and telephone number. Thank you for considering me.

Sincerely,

Emma McLaughlin

Emma E. McLaughlin

123 Ivy Drive, Apt. 03, Charlottesville, VA 22903
(703) 939-1557 • zja8mw@virginia.edu

EDUCATION

University of Virginia School of Law, Charlottesville, VA

J.D., Expected May 2024

- GPA: 3.709
- *Virginia Law Review*, Notes Editor
- Bracewell Best Appellate Brief Award (top brief in Legal Writing Section)

Davidson College, Davidson, NC

B.A., Political Science (Minor: Data Science), *magna cum laude*, May 2020

- Honors Thesis: *A Gendered Difference: Media Coverage of Candidates in the 2020 Democratic Primary* (awarded High Honors)
- Division I Volleyball Team, Captain and Four-Year Letter Winner

EXPERIENCE

Latham & Watkins LLP, Washington, DC

Summer Associate, May 2023-July 2023

United States Attorney's Office for the Central District of California, Los Angeles, CA

Civil Division Extern, May 2022 – July 2022

- Conducted legal research and wrote memoranda on substantive and evidentiary issues for motions and briefs in the Central District of California and the Ninth Circuit
- Participated in mediations and litigation strategy sessions with attorneys and observed meet and confer conferences with opposing counsel

Lankford & Reed, PLLC, Alexandria, VA

Legal Intern, October 2020 – June 2021

- Cite checked and edited motions and briefs for filing in federal court, including appellate briefs in the Fourth and Eleventh Circuits and a Writ of Certiorari in the United States Supreme Court
- Managed discovery documents and helped draft interrogatories, requests for document production, and subpoenas in a disability discrimination case in the Eastern District of Virginia
- Assisted attorneys during arguments before federal district and circuit courts, including managing teleconference and videoconference technology and organizing and providing case materials

Davidson College Political Science Department, Davidson, NC

Teaching Assistant, August 2019 – December 2019

- Led weekly lab sessions for the Political Science Methods and Statistics Course and formulated in-class activities to develop students' quantitative analysis skills
- Hosted weekly office hours to assist students with mastery of course concepts

Kamala Harris for the People, Council Bluffs, IA

Campaign Fellow, June 2019 – August 2019

- Organized attendee outreach and managed volunteer staffing in support of the campaign's largest Iowa event of the summer and helped address a rally of over 700 prospective voters
- Recruited and trained network of volunteers in Southwest Iowa to lead grassroots efforts including canvassing, phone banking, and hosting events

INTERESTS

Beach volleyball, surfing, reading fiction, listening to NPR podcasts

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW

Name: Emma McLaughlin

Date: June 09, 2023

Record ID: zja8mw

This is a report of law and selected non-law course work (including credits earned). This is not an official transcript.

Due to the global COVID-19 pandemic, the Law faculty imposed mandatory Credit/No Credit grading for all graded classes completed after March 18 in the spring 2020 term.

FALL 2021

LAW	6000	Civil Procedure	4	A-	Woolhandler, Nettie A
LAW	6002	Contracts	4	A-	Johnston, Jason S
LAW	6003	Criminal Law	3	A	Frampton, Thomas Ward
LAW	6004	Legal Research and Writing I	1	S	Ware, Sarah Stewart
LAW	6007	Torts	4	A	White, George E

SPRING 2022

LAW	6001	Constitutional Law	4	A-	Solum, Lawrence
LAW	6104	Evidence	3	A-	Schauer, Frederick
LAW	6005	Lgl Research & Writing II (YR)	2	S	Ware, Sarah Stewart
LAW	6006	Property	4	A-	Johnson, Alex M
LAW	7090	Regulatn of Political Process	3	A-	Gilbert, Michael

FALL 2022

LAW	8004	Con Law II: Speech and Press	3	B+	Schauer, Frederick
LAW	8640	Enviro and Comm Eng Clinic	4	A-	Jaffe, Caleb Adam
LAW	6105	Federal Courts	4	A-	Bayefsky, Rachel
LAW	7026	Sports and Games	2	A-	Re, Richard Macdonald

SPRING 2023

LAW	6102	Administrative Law	4	A-	Bamzai, Aditya
LAW	7133	Business/Govmnt Tort Liability	3	A-	Cope, Kevin
LAW	7019	Criminal Investigation	3	A-	Armancost, Barbara Ellen
LAW	7728	Reproductive Ethics&Law (SC)	1	B+	Shepherd, Lois L.
LAW	9108	Urban Law and Policy	3	A-	Schragger, Richard C.

THIS RECORD IS NOT OFFICIAL UNLESS IT BEARS THE REGISTRAR'S SIGNATURE

Student No: 801366997

DAVIDSON

Date Issued: 07-AUG-2020

Record of: Emma Elizabeth McLaughlin
Issued To: emmclaughlin

Page: 1

DAVIDSON COLLEGE
DAVIDSON, N.C. 28035-7154

Course Level: Undergraduate
Admit: Fall 2016

Current Program

Major : Political Science
Minor : Data Science

Comments:

PE req. (101, team, 2 lifetime) satisfied.

Degrees Awarded Bachelor of Arts 17-MAY-2020

Primary Degree

Major : Political Science
Minor : Data Science
Dept. Honors: High Honors
Inst. Honors: Magna Cum Laude

Dept Honors

High Honors in Political Science

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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Institution Information continued:

BIO 114	Integr Concepts in Biology II	1.00 A-	3.70
POL 384	Psych of Political Leadership	1.00 B+	3.30
SPA 201	Intermediate Spanish	1.00 A	4.00
WRI 101	The Art of Prose	1.00 B+	3.30
Ehrs: 4.00	GPA-Hrs: 4.00	QPts: 14.30	GPA: 3.57

Fall 2017

COM 201	Intro to Communication Studies	1.00 A	4.00
HHV 110	Introduction to Public Health	1.00 A-	3.70
POL 336	Politics & The Media	1.00 A-	3.70
PSY 282	Learning	1.00 A-	3.70
Ehrs: 4.00	GPA-Hrs: 4.00	QPts: 15.10	GPA: 3.77

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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TRANSFER CREDIT ACCEPTED BY THE INSTITUTION:

Summer 2016

Advanced Placement

ENG 199	AP English Lang and Comp	1.00 UG	
PHY 118	AP Physics: Mechanics	1.00 UG	
PSY 101	General Psychology	1.00 UG	
Ehrs: 3.00	GPA-Hrs: 0.00	QPts: 0.00	GPA: 0.00

INSTITUTION CREDIT:

Fall 2016

ECO 101	Introductory Economics	1.00 P	0.00
PSY 254	Industrial/Organizational Psy	1.00 A-	3.70
REL 180	Intro to East Asian Religions	1.00 A-	3.70
SPA 102	Elementary Spanish II	1.00 A	4.00
Ehrs: 4.00	GPA-Hrs: 3.00	QPts: 11.40	GPA: 3.80

Spring 2017

BIO 114	Integr Conc Biology II Lab	0.00 LA	0.00
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***** CONTINUED ON NEXT COLUMN *****

Spring 2018

HHV 251	Health Disparities US & Beyond	1.00 A-	3.70
POL 140	Comparative Global Politics	1.00 A	4.00
POL 201	Methods & Statistics	1.00 A	4.00
PSY 280	Human Neuropsychology	1.00 P	0.00
Ehrs: 4.00	GPA-Hrs: 3.00	QPts: 11.70	GPA: 3.90

Summer 2018

POL 288	Davidson in DC Indep Study	1.00 P	0.00
POL 380	Dav Wash:Polarization US Pol	1.00 A	4.00
Ehrs: 2.00	GPA-Hrs: 1.00	QPts: 4.00	GPA: 4.00

Fall 2018

CSC 121	Programming & Problem Solving	1.00 A-	3.70
DAN 101	Introduction to Dance	1.00 A-	3.70
POL 204	Modern Political Theory	1.00 B+	3.30
POL 226	Racial & Ethnic Politics	1.00 A	4.00
Ehrs: 4.00	GPA-Hrs: 4.00	QPts: 14.70	GPA: 3.67

Spring 2019

DIG 270	Digital Maps, Space & Place	1.00 A-	3.70
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***** CONTINUED ON PAGE 2 *****



A. Denberg

STUDENT IS IN GOOD STANDING UNLESS OTHERWISE INDICATED

THIS RECORD IS NOT OFFICIAL UNLESS IT BEARS THE REGISTRAR'S SIGNATURE

Student No: 801366997

Record of: Emma Elizabeth McLaughlin
Level: Undergraduate

DAVIDSON

DAVIDSON COLLEGE
DAVIDSON, N.C. 28035-7154

Date Issued: 07-AUG-2020

Page: 2

SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
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Institution Information continued:

HIS 354	US Foreign Policy since 1939	1.00 A-	3.70
POL 239	Topics in Am Pol:State & Local	1.00 P	0.00
POL 424	Women In US Politics	1.00 A	4.00
Ehrs:	4.00 GPA-Hrs: 3.00	QPts: 11.40	GPA: 3.80

Fall 2019

ANT 377	Imaging the Earth	1.00 A-	3.70
CSC 110	Data Science & Society	1.00 A	4.00
POL 334	Public Opinion	1.00 A	4.00
POL 485	Adv IS: Women in Politics	1.00 A	4.00
Ehrs:	4.00 GPA-Hrs: 4.00	QPts: 15.70	GPA: 3.92

Spring 2020

COM 325	Exploring Fake News	1.00 A	4.00
POL 364	International Security	1.00 A	4.00
POL 488	Honors Thesis	1.00 A	4.00
Ehrs:	3.00 GPA-Hrs: 3.00	QPts: 12.00	GPA: 4.00

***** TRANSCRIPT TOTALS *****

	Earned Hrs	GPA Hrs	Points	GPA
TOTAL INSTITUTION	33.00	29.00	110.30	3.803

TOTAL TRANSFER	3.00	0.00	0.00	0.000
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OVERALL	36.00	29.00	110.30	3.803
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***** END OF TRANSCRIPT *****



A. Denberg

STUDENT IS IN GOOD STANDING UNLESS OTHERWISE INDICATED

EXPLANATION OF TRANSCRIPT

Office of the Registrar

(704) 894-2227

Curriculum Since 1988

In Fall 1988, Davidson changed from a three-term to a semester calendar and changed the course numbering system and graduation requirements.

1. TWO SEMESTERS: 15 weeks each, with 45 class meetings per course and a week for examinations.
2. COURSE NUMBERING: 100-200, generally first- and second-year courses; 300-400, generally upper level courses. The letter "W" in a course number indicates a course in English composition, whatever the department; starting in 2010, the dept. code "WRI" is used for English Composition.
3. COURSE CREDIT: courses normally carry one course credit (valued by Davidson at four semester hours or six quarter hours of credit). Occasionally a course carries 1.5 or 2 course credits. Note that certain courses in Applied Music and Military Science and all courses in Physical Education are non-credit courses.
4. NORMAL COURSE LOAD: four or five credit courses each semester.
5. General GRADUATION REQUIREMENTS: for the classes of 1989 and 1990, 70 grade points on 35 credit courses; for the classes of 1991 and 1992, 68 grade points on 34 credit courses; for the classes of 1993 and 1994, 66 grade points on 33 credit courses; for the classes of 1995-1997, 64 grade points on 34 credit courses, for the classes of 1998 and following, 32 credit courses distributed according to the Academic Regulations.

Curriculum from 1968-1988

1. THREE TERMS: 10 weeks each, with 50 available class periods per course and four days for examinations.
2. COURSE CREDIT: all courses carry one course credit (valued by Davidson at four semester or six quarter hours). Note that certain courses in Applied Music and Military Science are non-credit courses.
3. NORMAL COURSE LOAD: three courses each term (except in 1968-70 when the Spring term load was two courses plus a required non-credit independent study).
4. General GRADUATION REQUIREMENTS: 36 courses (adjusted from 32, 33, 34, or 35 as certain non-credit independent work of 1968-70 was incorporated as credit work) with 72 grade points on those 36 courses.

Since September 1991		1971 - 1991		1968 - 1972			Key
Grades	Grade Points per Course	Grades (no numerical equivalents)	Grade Points per Course	Grades and Numerical Equivalent	Grades Points per Course	Quality Points per Course	
A	4.0						* Not used in computing grade point average
A-	3.7						** During 1970-73, the P grade in Honors College gave 3 grade points not computed in average
B+	3.3						*** Performance at <u>C</u> level or above
B	3.0	A Excellent	4.0				# Performance at level of <u>C-</u> or above.
B-	2.7	B+ Very Good	3.5				The following are symbols related to grades:
C+	2.3	B Good	3.0	A+ 95-100	4.5	4	
C	2.0	C+ Very Satisfactory	2.5	A 90-94	4.0	4	R following grade; course repeated; loss of credit; grade computed in GPA
C-	1.7	C Satisfactory	2.0	B+ 85-89	3.5	3	W following grade; credit removed because Humanities program not completed; grade computed in GPA
D+	1.3	D Poor	1.0	B 80-84	3.0	3	
D	1.0	F Failure	0.0	C+ 75-79	2.5	2	
F	0.0	P* Pass (pass/fail)***	2.0**	C 70-74	2.0	2	
P Pass#	0.0	F1* Failure (pass/fail)	0.0	D+ 65-69	1.5	1	
P* Pass (pass/fail)#	2.0 or 0.0	H* Honors	4.0	D 60-64	1.0	1	
F1* Failure (pass/fail)	0.0	I* Incomplete	0.0	F Below 60	0.0	0.0	
I* Incomplete	0.0	WA* Authorized Withdrawal	0.0	NG No Grade	0.0	0.0	
WA* Authorized Withdrawal	0.0	NG* No Grade	0.0				
NG* No Grade	0.0	UG* Ungraded Credit	0.0				
UG* Ungraded Trans. Cred	0.0						
LA* Ungraded Laboratory	0.0						

In accordance with the Family Educational Rights and Privacy Act of 1974, as amended, this transcript cannot be released to a third party without the written consent of the student. TO TEST FOR AUTHENTICITY: The back of this transcript has an artificial watermark; hold at an angle to view. An official paper transcript will bear the Registrar's signature. Electronic copies are official only when clearly identified as delivered through securely encrypted processes. If you have questions about this document, contact the Office of the Registrar at (704) 894-2227.

June 14, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I submit this letter of recommendation in support of a truly extraordinary applicant for a clerkship with your court, Emma E. McLaughlin. I supervised Emma directly during her service as an extern in the Civil Division of the U.S. Attorney's Office for the Central District of California last summer. I was truly impressed by her commitment to public service, impeccable attention to detail in her writing and editing, strong analytical and oral advocacy abilities, and keen emotional intelligence. Emma did an outstanding job across the board.

During her time at the office, Emma took on assignments of varying sizes and complexities and produced superior work product with little oversight. Her written work reflects analytical precision and concisely communicates the issues. For example, Emma prepared a helpful research memorandum analyzing when the duty to preserve information arises in the Ninth Circuit in anticipation of making the argument in a motion. In another case, Emma drafted an outline for a motion for leave to take additional depositions under Federal Rule of Civil Procedure 30. She routinely provided timely and invaluable assistance to the office. She also volunteered to assist with a site visit at NASA, help prepare for settlement conferences and negotiations, and observe hearings in her cases.

My colleagues and I came to rely on Emma for her exhaustive research, effective writing, and excellent analysis. Emma received outstanding recommendations on her assignments: AUSAs commented on her well-written research memorandum, her exceptional leadership skills, and constant professionalism, among other things. Another attorney noted that Emma is an incredibly outgoing person who works well in teams. These evaluations are consistent with my direct assessment of Emma's work.

On a professional working level, Emma was a joy to work with. Her stellar performance with my office demonstrates that she is prepared to serve as a law clerk and will perform exceptionally well as a litigator in the future. Emma is committed to the interests of justice, and I highly recommend her for a position in your court. Please do not hesitate to contact me with any questions at 213-894-2444.

Very truly yours,

MATTHEW J. BARRAGAN
Assistant United States Attorney

Matthew Barragan - Matthew.Barragan@usdoj.gov - (213) 453-0602

June 13, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing on behalf of Emma McLaughlin, who I understand has applied for a clerkship in your chambers. Emma is an excellent candidate—accomplished, smart, and personable. She is an easy person to write for; I urge you to consider her candidacy most seriously.

Emma was a student in my Urban Law and Policy seminar, so I got to know her fairly well. She was a key contributor to the class, which examines the laws, regulations, and policies that have shaped our metropolitan areas. The class is wide-ranging and includes materials on policing, land use, housing policy, segregation, education, and economic development. Emma's required weekly written reactions to the readings were always on-point and insightful; she often asked the most trenchant questions. Her final paper for the class was also excellent. Emma considered whether a local land use law that bars abortion providers from locating within a Virginia city can be challenged on the grounds that it violates the state's Dillon's Rule—a rule of construction that only permits local governments to regulate pursuant to a specific state authorizing statute. (Virginia local governments do not enjoy a general grant of home rule.) Emma's paper was well-researched, subtle, and very well written. She has excellent doctrinal chops. Her work could easily be turned into an exceptional appellate brief, bench memorandum, or judicial opinion. I was very impressed.

Emma received her BA from Davidson College, magna cum laude. She was the captain of the volleyball team there—a Division I athlete (and leader) who obtained high honors in her field, political science. At Virginia, she is a Notes Editor on the Law Review, with a better than 3.7 GPA—an impressive achievement at our law school, which adheres to a strict curve. She won the best brief award in her first-year legal writing section, and I can attest to the quality of her writing. She has spent summers at the U.S. Attorney's Office and at Latham & Watkins in Washington, D.C. These plum placements are well-deserved. Emma is an accomplished student, a team player, and a strong legal writer and researcher.

I also like her enormously. Emma is a natural leader (as her volleyball captain honor suggests). She is well-liked by her classmates, attentive to others, kind and generous, and unfailingly polite. She had knee surgery during the semester that I taught her, but despite hobbling around on crutches for weeks, she never lost her sense of humor or her drive. She showed up for all her classes except when she was in surgery. She did not complain despite a challenging recovery. She is as solid as they come. I urge you to hire her.

Please do not hesitate to contact me if I can be of further assistance. I'd be happy to talk about Emma and answer any questions you might have.

Sincerely,

/s/

Richard C. Schragger
Walter L. Brown Professor of Law
Martha Lubin Karsh and Bruce A. Karsh
Bicentennial Professor of Law
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Phone: 434-924-3641, Fax: 434-982-2845
schragger@law.virginia.edu

Richard Schragger - schragger@law.virginia.edu - 434-924-3641

June 12, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to offer my strong and very enthusiastic recommendation for Emma McLaughlin, who has applied for a clerkship in your chambers. I came to know Emma as a student in the Environmental Law and Community Engagement Clinic for the Fall 2022 semester. Enrollment in the Clinic is managed through a competitive application process. Once admitted, students must make a significant commitment to working on Clinic cases—13 hours per week, on average, over the course of the semester.

Because of this structure, the Clinic gives me a unique opportunity to assess students in a real-world, office-like environment. In this environment, Emma has stood out as one of the hardest working, mature, and dedicated students I have known. Through our one-on-one check-ins to go over her writing and through her participation in the seminar portion of the Clinic (where we workshopped drafts of briefs and discussed case strategy), I grew to know Emma as an incredibly strong and trustworthy student-lawyer. Without a doubt, she is one of the first people I would want to hire to join a legal team.

I assigned Emma to work on one of our more intractable legal projects in the Clinic last year—researching obstacles and opportunities related to the retirement of coal-fired power plants. The assignment required Emma to develop an understanding of intersecting questions of state and federal law—including complex doctrines of public utility law and financing. The subject matter, frankly, could have been impenetrable due to the arcane jargon that dominates legal filings before utility commissions. Many students would have been intimidated by the assignment—but not Emma.

She is exceptionally bright and among the hardest working students I have met. She jumped into the assignment with a can-do attitude and an eagerness to tackle the toughest questions. The energy she brought to the work paid off. Her analyses on each issue were sharp, thorough, nuanced, and persuasive. She is among the strongest legal writers I have encountered among the students at UVA Law. Her impressive credentials—top GPA, service on Virginia Law Review, and award for Best Appellate Brief during her 1L year—are no accident.

But Emma stands out for much more than the quality of her legal writing. What most impressed me about Emma throughout the semester was her commitment to serving the client. She took the lead in setting up meetings with her client and took charge of keeping that client informed of all matters, large and small. She also showed great initiative in reaching out to me whenever she needed my input. Where other students might have sat back and waited for me to assign them the next research question, Emma exhibited true leadership. She took complete ownership of the case, pushing it forward throughout her semester in the Clinic. And she was incredibly efficient in her work. She often turned in assignments far sooner than I would have anticipated.

Finally, it should go without saying that Emma was a leading contributor during the seminar portion of our Clinic, when we would discuss supplemental readings that I would assign. Emma is dedicated, smart, sincere, hard-working, and mature. She is thoughtful and supportive of her classmates. Because of these traits, I have no doubt she would be an excellent addition to any judicial chamber, and I am confident she will become a prominent leader in the legal community. I have incredible confidence in the quality of Emma's work and would hire her in an instant.

Sincerely,

Cale Jaffe
Professor of Law, General Faculty
Director of the Environmental Law & Community Engagement Clinic

Caleb Jaffe - cjaffe@law.virginia.edu - (434) 924-4776

Emma E. McLaughlin

123 Ivy Drive, Apt. 03, Charlottesville, VA 22903 • (703) 939-1557 • zja8mw@virginia.edu

The attached writing sample is excerpted from a paper that I wrote in my Urban Law & Policy seminar last semester. It is situated within a growing literature on abortion localism and conducts a first of its kind case study of a locality's attempt to regulate abortion through zoning law. The full length paper is thirty-nine pages long and proceeds in three parts: Part I describes the context of the local regulation within the larger abortion decentralization movement; Part II describes the legal backdrop in Virginia, including the status of abortion and the relationship between state and local law under Dillon's Rule; and Part III conducts a two-step Dillon's Rule analysis to assess the legality of Bristol, Virginia's proposed zoning ordinance and concludes that it would be invalid under state law if enacted.

In this excerpt, I have included the portion of Part III which conducts the two-step Dillon's Rule analysis. I have omitted some of the introductory material in that section, such as a section which gives a general overview of local government's zoning power in Virginia. I have also omitted the piece's conclusion, which follows Part III.

The full paper is available on request. This writing sample is my own work product and has not been edited by any other person.

From A to Z: Abortion, Bristol, Dillon's Rule, and Zoning
An Analysis of One City's Attempt to Use Zoning Law to Regulate Abortion

III. ASSESSING THE LEGALITY OF BRISTOL'S PROPOSED ZONING ORDINANCE

To be valid, Bristol's proposed zoning ordinance¹ must pass both steps of the Dillon's Rule analysis. Under step one, Bristol's action must be enabled by state law.² Specifically, the power to use zoning law to prevent abortion providers from operating in the city must be either expressly granted by a state statute, necessarily implied by a state statute, or essential to accomplishing another express grant of authority from the state.³ If Bristol's use of zoning power to restrict abortion access is enabled by state law, then step two of the Dillon's Rule analysis is an evaluation of whether that exercise of its zoning authority was reasonable.⁴ Here, even though zoning laws generally receive a presumption of validity from the Virginia courts,⁵ the proposed Bristol ordinance will fail on both prongs of the Dillon's Rule test: it is neither validly enabled by state law nor is it reasonable.

a. Bristol's claimed statutory authority

To analyze whether Bristol has authority to pass its proposed zoning ordinance, it is critical to locate the source of state law that Bristol claims authorizes its exercise of power. In its proposed zoning ordinance, Bristol cites its own charter, Virginia Code § 12.2-2200, and Virginia Code § 15.2-2280 as bases for its

¹ Bristol's proposed zoning ordinance reads:

No land, building, structure or other premises located within any zoning district of the City of Bristol may be used to carry out any practice, process, or procedure that is designed to intentionally cause the death or termination of a pre-born human life at any stage of development. The already existing use of any buildings or structures for such purposes must conform to this regulation whenever they are enlarged, extended, reconstructed, or structurally altered, and any nonconforming building or structure may not be moved on the same lot or to any other lot in order to carry out the nonconforming use.

Proposed Pro-Life Zoning Ordinance for the City of Bristol, Agenda Item Summary (October 25, 2022) [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1621061/2022-9-27 -
Proposed Pro-Life Zoning Ordinance for the City of Bristol.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1621061/2022-9-27_-_Proposed_Pro-Life_Zoning_Ordinance_for_the_City_of_Bristol.pdf).

² *Marble Technologies v. City of Hampton*, 279 Va. 409, 418 (2010).

³ *City of Winchester v. Redmond*, 93 Va. 711, 25 S.E. 1001 (1896); *City of Virginia Beach v. Hay*, 258 Va. 217, 222 (1999); *Commonwealth v. County Board of Arlington County*, 217 Va. 558, 575 (1997) ("Municipal governments have only those powers which are expressly granted by the state legislature, those powers fairly or necessarily implied from expressly granted powers, and those powers which are essential and indispensable.").

⁴ *Advanced Towing Company, LLC v. Fairfax County Board of Supervisors*, 280 Va. 187, 193 (2010).

⁵ *Tribble v. Bland*, 250 Va. 20, 24 (1995); *Byrum v. Board of Supervisors of Orange County*, 217 Va. 37, 39 (1976) ("Local governing bodies, because of their knowledge of local conditions and needs of their individual communities, are allowed wide discretion in the enactment . . . of zoning ordinances.").

actions.⁶ The first two sources, however, cannot grant Bristol its purported power. In Virginia, cities are authorized to have a charter,⁷ but are also bound by Dillon's Rule.⁸ The interplay between those two realities means that Bristol's charter cannot grant the city authority to exercise a power unless that authority is *independently* authorized by state law.⁹ Further, while Virginia Code § 15.2-2200 sets out the legislative intent for the chapter on city planning, land use, and zoning, the language in § 15.2-2200 does not itself specifically authorize zoning actions.¹⁰ Eliminating these two claimed enabling sources for the city's proposed ordinance means that Bristol must be able to justify its actions on the basis of the standard grant of authority for zoning in Virginia Code § 15.2-2280.

b. Bristol's proposed zoning ordinance fails step one of the Dillon's Rule analysis

Step one of the Dillon's Rule analysis requires looking to see if the local government's action is expressly authorized by state statute, can be implied from a state statute, or is essential to another expressed authority. Here, the question is whether Bristol's proposed zoning ordinance to prohibit abortion within the city limits is expressly authorized by Virginia Code § 15.2-2280 or can be implied therefrom. The relevant provision of the state authorizing statute reads: "Any locality . . . may regulate, restrict, permit, prohibit, and determine the following: 1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses."¹¹

⁶ See Proposed Pro-Life Zoning Ordinance, *supra* note 1.

⁷ Va. Code § 15.2-201 (2020).

⁸ City of Richmond v. County Board, 199 Va. 679, 684–85 (1958); Ticonderoga Farms v. County of Loudoun, 242 Va. 170, 173–74 (1991); City of Chesapeake v. Gardner Enters., 253 Va. 243, 246 (1997).

⁹ Virginia Code § 15.2-204 grants cities and towns all the powers set forth in Article 1 (§15.2-1100 et seq.) of Chapter 11 of the state code, known as the uniform charter powers. Importantly, Virginia Code § 15.2-1102 states that municipal corporations shall have and may exercise the powers "conferred upon or delegated to it under the laws of the Commonwealth and all other powers pertinent to the conduct of the affairs and functions of the municipal government. . . ." Since the Virginia Supreme Court has interpreted the Virginia Constitution as being governed by Dillon's Rule, this means that all exercises of local power must have a basis in a state enabling statute, not simply be stated in a city's charter. See also Nestor M. Davidson, Local Constitutions, 99 TEX. L. REV. 839, 862 (2021) (Describing the fact that some states disaggregate local charter adoption from local government power and stating that "Virginia, for example, authorizes local governments to adopt charters, but it is a 'Dillon's Rule' state, which is to say a state in which local-government authority is derived from explicit state legislative grants.").

¹⁰ See Board of Supervisors of Augusta County v. Countryside Investment Co., 258 Va. 497, 505 (1999) (Virginia Code § 15.2-2200 "does not confer upon [a locality] the power to enact a [zoning or] subdivision ordinance which is more expansive than the enumerated" powers enabled elsewhere. The zoning power must be found in specific enabling legislation.).

¹¹ Virginia Code § 15.2-2280 (2020).

Under a plain reading of that statute, it is not apparent that it enables a local government to specifically regulate abortion facilities. Under the statutory canon of *ejusdem generis*, where a general phrase follows a list, that general phrase is to be given the same interpretation as the class of things in the list.¹² Under this approach, the catchall “and other specific uses” at the end of § 15.2-2280(1) would allow Bristol to restrict the use of land for medical use (which seems to be of the same type as agricultural or industrial), but would not allow Bristol to regulate land or buildings based on the *type* of medical use. That is because restricting based on type of medical use would be a different class of restriction than the rest of § 15.2-2280(1)’s listed uses for which land may be regulated, which are at a higher level of generality.

Bristol is likely to defend its ordinance on the basis that this argument has already been considered and rejected by the Virginia Supreme Court in *Resource Conservation Management, Inc. v. Board of Supervisors of Prince William County*, where the court addressed whether the predecessor statute to Virginia Code § 15.2-2280 enabled the board to prohibit private landfills.¹³ In that case, the court upheld the validity of the Prince William County zoning ordinance, stating that “[w]hile the language [of the enabling statute] does not specify a landfill as one of the uses that may be prohibited, such specificity is not necessary under even the Dillon Rule of strict construction.”¹⁴

This case can be factually distinguished from *Resource Conservation Management*, however, on the basis that that case was about a large debris landfill, a quintessential subject of zoning restrictions and something which concerns the physical use of land. Regulation of which buildings in a city may be used for abortion, however, is a restriction of a different kind. Unlike restrictions of physical uses of land that could be physically dangerous, harmful, or disruptive to surrounding areas, like the use of land for a landfill or power plant, restrictions of where certain medical procedures may take place does not concern the safety or use of surrounding land. The building and land themselves are used no differently than if the building were operated

¹² *Ejusdem generis*, *Black’s Law Dictionary* (11th ed. 2019), available at Westlaw (“For example, in the phrase *horses, cattle, sheep, pigs, goats, or any other farm animals*, the general language *or any other farm animals* — despite its seeming breadth — would probably be held to include only four-legged, hoofed mammals typically found on farms, and thus would exclude chickens.”) (emphasis in original).

¹³ *Resource Conservation Management, Inc. v. Board of Supervisors of Prince William County*, 238 Va. 15 (1989).

¹⁴ *Id.* at 21.

by a podiatry clinic or optometrist. Thus, the use of zoning to restrict what types of medical providers can occupy buildings appears to be an attempt to accomplish a different legislative goal.

Under Virginia precedent, this type of maneuver is not expressly authorized or fairly implied from a local governing body's zoning authority. For example, in *Board of Supervisors of Fairfax County v. DeGross Enterprises*, the court invalidated an attempt by Fairfax County to use zoning law to create low and moderate income housing on the basis that it would “facilitate[] ‘creation of a convenient . . . and harmonious community’ and is essential to the ‘health, safety, . . . (and) general welfare of the public.’”¹⁵ The court rejected the county's basis of authority to do that, stating that the legislative intent in granting zoning authority to local governments in Virginia Code § 15.1-486 (the precursor statute to § 15.2-2280) was only intended to allow them to enact “traditional zoning ordinances *directed to physical characteristics* and having the purpose neither to include nor exclude any particular socio-economic group.”¹⁶

In deciding *DeGross*, the court relied on another Virginia Supreme Court case which held invalid a county's attempt to impose lot-size restrictions in part of the county for the purpose of advancing the public health, safety, morals, or general welfare of the county. Quoting a leading Supreme Court decision on zoning restrictions, the court emphasized that “[a] zoning by-law cannot be adopted for the purpose of setting up a barrier against the influx of” certain kinds of persons,¹⁷ determined that the purpose of the lot-size restriction was really to maintain a certain socio-economic status of residents in that part of the county, and held that it was invalid because that it “bears no relation to the health, safety, morals or general welfare of the owners or residents of the area so zoned.”¹⁸ These decisions shows that, in circumstances where the local government's purported zoning ordinance is really for the purpose of accomplishing some goal other than regulating physical characteristics of land, as was at issue in the landfill case, the court is open to invalidating those zoning ordinances.

¹⁵ *Board of Supervisors of Fairfax County v. DeGross Enterprises*, 214 Va. 235, 236 (1973).

¹⁶ *DeGross Enterprises*, 214 Va. at 238 (emphasis added).

¹⁷ *Bd. of Cnty. Sup'rs of Fairfax Cnty. v. Carper*, 200 Va. 653, 661 (1959) (quoting *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 390 (1926) (emphasis added)).

¹⁸ *Carper*, 200 Va. at 661.

Further, zoning may not be used as a vehicle to accomplish certain purposes when other means exist to achieve a given legislative goal. In *Lawless v. County of Chesterfield*, the court held that the county did not have the implied power from its zoning authority to criminally punish each day's violation of zoning guidelines, because the state government had expressly provided for other enforcement options for violations of zoning ordinances.¹⁹ This shows that, where a state has regulated certain conduct and established a framework for violations, attempts to use zoning law additively to that state framework may be held invalid.

The logic behind these decisions should apply here to invalidate the proposed Bristol ordinance. It is like the ordinances at issue in *DeGroff Enterprises* and *Carper* in that it uses zoning law as a vehicle by which to accomplish a different purpose: in those cases, the inclusion or exclusion of certain socioeconomic groups, and in Bristol's case, the exclusion of certain kinds of medical providers. It is also like the county action in *Lawless*, because the zoning regulation is additive on top of an existing state framework to regulate abortion²⁰ and medical services and facilities. As a result, the proposed Bristol ordinance can be effectively distinguished from *Resource Conservation Management*, where the action specifically concerned an archetypal zoning issue: the use of land for a landfill, and where the state had not otherwise established a regulatory framework for landfills.

This analysis shows that, at the very least, there is a reasonable doubt as to whether the authority to restrict abortion through zoning law exists. Under Dillon's Rule, this is enough to end the inquiry at step one, since doubt as to enabling authority must be resolved against the local governing body.²¹ As a result, a hypothetical court should find that Bristol lacks the authority to enact the proposed ordinance.

c. Even if Bristol's proposed ordinance passes step one of the Dillon's Rule analysis, it does not pass step two

If Bristol is able to establish that *Resource Conservation Management* does authorize the city's specific use of zoning law in this case, the city's ordinance still has to pass step two of the Dillon's Rule analysis: Bristol

¹⁹ *Lawless v. County of Chesterfield*, 21 Va. App. 495, 502 (1995).

²⁰ See Va. Code §§ 18.2-71 – 18.2-76.2 (2020).

²¹ *Schefer v. City Council of Falls Church*, 279 Va. 588, 593 (2010); *Bd. of Supervisors v. Reed's Landing Corp.*, 250 Va. 397, 400 (1995).

must be able to show that its exercise of the zoning authority in Virginia Code § 15.2-2280 was reasonable.

Bristol's proposed ordinance will not satisfy this part of the Dillon's Rule test.

At this point in the analysis, a court would have ruled that the source of Bristol's statutory authority to engage in zoning restriction is Virginia Code § 15.2-2280. This provision is silent as to its means of implementation.²² This means that the central question for step two of the Dillon's Rule analysis is whether the local government acted reasonably in exercising the statutory authority granted in Virginia Code § 15.2-2280.²³ Other provisions of Article 7 of the state code are helpful in conducting this reasonableness analysis; after the general grant of zoning authority in § 15.2-2280, the state code lays out permissible purposes of zoning ordinances,²⁴ and matters to be considered in drawing and applying zoning ordinances.²⁵ These provisions guide the reasonableness inquiry into a locality's exercise of zoning power, a fact that Bristol seems to recognize by its inclusion of factors from the two provisions in its proposed ordinance.²⁶

The language of these two provisions is mandatory; they state that zoning ordinances “shall be designed” to effectuate the purposes in Virginia Code § 15.2-2283 and “shall be drawn” with consideration for the factors in Virginia Code § 15.2 § 2284. Demonstrative of this mandatory nature is that Albemarle County, in its Land Use Handbook, dictates that every proposed zoning ordinance should be “accompanied by an analysis of how the amendment satisfies one or more of the purposes of zoning listed in [Virginia Code § 15.2-2283] and be based on one or more of the considerations in [Virginia Code § 15.2-2284].”²⁷ So, to determine whether Bristol's proposed ordinance in this case is reasonable, it is essential to determine if Bristol sets forth at least one valid purpose under Virginia Code § 15.2-2283 and at least one valid consideration under Virginia Code § 15.2-2284.

²² Greg Kamptner & Larry Davis, THE ALBEMARLE COUNTY LAND USE LAW HANDBOOK 4-1 (2022) (“Under a Dillon Rule analysis, Virginia Code § 15.2-2280 authorizes a locality to zone and regulate the territory within its jurisdiction but does not delineate how the locality is supposed to implement the broad powers granted.”).

²³ *Advanced Towing Co., LLC v. Fairfax Cnty. Bd. of Supervisors*, 280 Va. 187, 193 (2010); *Arlington Cnty. Bd. of Supervisors v. White*, 259 Va. 708, 712 (2000).

²⁴ Va Code § 15.2-2283 (2020).

²⁵ Va Code § 15.2-2284 (2020).

²⁶ *See Proposed Pro-Life Zoning Ordinance*, *supra* note 1 at 1–2.

²⁷ Kamptner & Davis, *supra* note 22 at 3-3.

i. Analyzing Bristol's purpose under Virginia Code § 15.2-2283

Bristol claims that its proposed ordinance advances three purposes under § 15.2-2283. Specifically, the proposed ordinance states that its purpose is to: “(i) to provide for adequate...safety from...crime and other dangers;... (iii) to facilitate the creation of a...harmonious community;...[and] (vi) to protect against one or more of the following: ... loss of life, health...”²⁸ This section will address each of those purposes in turn, comparing them to the full statutory language in Virginia Code § 15.2 § 2283. To be reasonable under Step 2 of the Dillon’s Rule analysis, at least one of these purposes must be advanced.

1. Virginia Code § 15.2-2283(i)

In its entirety, Virginia Code § 15.2-2283(i) permits the use of zoning: “to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers.” Bristol excerpts from this language in its proposed ordinance, citing only to the purpose to “to provide for adequate...safety from...crime and other dangers.”²⁹ Excerpting the language in this ways distorts the plain meaning of the permissible purpose in this section. Read in light of the plain language of the statute, Bristol’s proposed zoning ordinance does not advance this purpose.

Bristol’s proposed zoning statute does not provide for safety from crime. This inquiry is quite simple: abortion is explicitly lawful in Virginia.³⁰ While there are certain restrictions on abortion in the third trimester, licensed, state approved abortion providers are not in the business of providing illegal abortions. Thus, banning licensed abortion clinics or otherwise banning the practice of abortion from the city of Bristol through zoning law does not protect its residents from crime.

Bristol’s proposed statute also does not provide for safety from “other dangers.” Drawing again on the canon of statutory interpretation of *ejusdem generis*,³¹ this catch-all term must be read in light of the character of the preceding list. The dangers in the preceding list are all physical dangers. Abortion, to many, poses no danger at all: it is a safe, well-regulated, and effective medical procedure. To those whom abortion

²⁸ See Proposed Pro-Life Zoning Ordinance, *supra* note 1 at 1.

²⁹ *Id.*

³⁰ Va Code §§ 18.2-72 – 18.2-74.1 (2020).

³¹ See *supra* note 12.

does pose a danger, the threat is not to their physical safety as it is from a fire, flood, or building collapse. The “danger” (to adopt the term) is to moral, religious, and political views. That is not the kind of “danger” that is covered by the plain meaning of the statute.

2. *Virginia Code § 15.2-2283(ii)*

Bristol’s second claimed purpose is “to facilitate the creation of a...harmonious community.”³² Bristol has the best chance of satisfying this purpose, since the Virginia Supreme Court has stated that “[r]esidents’ concerns over the quality of life in their neighborhood [are] hardly the stuff of blind, irrational prejudice.”³³ Bristol will probably emphasize this language and point to the fact that the city became a flashpoint in the national conversation after *Dobbs* and that they do not wish to become an abortion destination throughout the South, which would interrupt the city’s “harmonious community.”

Again here, however, Bristol has excerpted the language from the state statute. Read in its entirety, § 15.2-2283(ii) states that localities may engage in zoning “to facilitate the creation of a convenient, attractive and harmonious community.” Reading harmonious in the context of that list changes the nature of the legislature’s intent, focusing less on creating a psychologically harmonious community, and more on creating a community that is *physically* convenient, attractive, and harmonious. Under this reading, one would expect a local government to use zoning law to ensure that there was adequate street space and parking or to ensure that the overall character of neighborhoods was maintained (i.e., to avoid placing a new apartment building or shopping district in a neighborhood of historic homes). One would not expect a locality to use zoning law to create an ideologically harmonious community by preventing a certain ideological or religious group from leasing a building to use as a meeting place in the town.

3. *Virginia Code § 15.2-2283(vi)*

The final purpose that Bristol purports to advance with its proposed zoning ordinance is “to protect against . . . the . . . loss of life, health”³⁴ Again, however, Bristol excerpted the language from Virginia Code § 15.2-2283(vi), and reading the provision with the inclusion of that excerpted language challenges how

³² See Proposed Pro-Life Zoning Ordinance, *supra* note 1 at 1.

³³ *Loch Levan Land Ltd. P’ship v. Bd. of Supervisors of Henrico Cnty.*, 297 Va. 674, 692 (2019).

³⁴ See Proposed Pro-Life Zoning Ordinance, *supra* note 1 at 1.

plausible Bristol's claim is. In full, this part of Virginia Code § 15.2-2283(vi) says that local governments may use zoning to protect against the "loss of life, health, or property from *fire, flood, impounding structure failure, panic or other dangers*."³⁵

By excerpting the qualifying clause after "loss of life," Bristol's proposed ordinance claims broad authority to use zoning to protect life in all instances. This is not what the statute confers, however. On a plain reading, the statute only allows local governments to use zoning for the purpose of protecting life from a specific set of circumstances: fire, flood, impounding structure failure, panic, or other danger.³⁶ This list seems clearly connected to the general purpose of zoning law to regulate the physical characteristics of land use and buildings. One would expect that, under this provision, a local government would use zoning to prevent placing residential housing next to a toxic chemical plant, or to impose restrictions on the number of dwellings in a unit, or how close to a flood plain houses can be erected.

Bristol might try to argue that it is permitted to regulate abortion under the statute because abortion is a "danger" under the terms of the catch all statement at the end of Virginia Code § 15.2-2283(vi). This contention is easily rebutted, however, by again employing traditional canons of statutory interpretation. In the context of the preceding terms, "and other dangers" does not apply to abortion. The listed concerns are all related to threats to life from physical danger that humans encounter in the built environment: fires, floods, building collapses, stampedes of humans through narrow streets or stairways, and the like. Those concerns cannot reasonably be read to extend to threats to theoretical conceptions of life from well-regulated and established medical procedures.

ii. *Analyzing Bristol's considerations under Virginia Code § 15.2-2284*

Even if Bristol possesses a proper purpose under Virginia Code § 15.2-2283, the city must be able to show that its proposed ordinance is drawn and applied with reasonable consideration for one of the factors listed in Virginia Code § 15.2-2284. Here, Bristol's only claim is that its proposed ordinance is drawn and applied for the "reasonable consideration for... the protection of life..."³⁷

³⁵ Va Code § 15.2-2283 (2020).

³⁶ *Id.*

³⁷ See Proposed Pro-Life Zoning Ordinance, *supra* note 1 at 1.

Once again, Bristol's justification falls apart when read in the context of the full, non-excerpted statutory provision. The relevant part says that localities may draw and apply ordinances with reasonable consideration for "the protection of life and property *from impounding structure failures*."³⁸ By eliminating that key qualifying clause, Bristol makes it seem as though the state grants cart blanche authority to localities to enact zoning restrictions designed to protect life. But this is not the case; the statute only gives local government authority to make zoning ordinances in consideration of the protection of life from impounding structure failures. Impounding structural failure can in no way be stretched to cover abortion.

Bristol is not able to point to consideration of any of the state's other relevant factors listed in Virginia Code § 15.2-2284. The fact that it cannot is dispositive of its claim of authority to enact the zoning ordinance: because they cannot point to a valid consideration under § 15.2-2284, their proposed zoning ordinance is not reasonable and fails step two of the Dillon's Rule test.

d. Bristol's proposed zoning ordinance is invalid

In sum, Bristol's proposed zoning ordinance fails both steps of a Dillon's Rule analysis. First, its claimed enabling source is invalid; though a locality might have authorization under Virginia Code § 15.2-2280 to regulate a specific use of land, like a landfill, it stretches Virginia Code § 15.2-2280 beyond its intended purpose to allow a city to use zoning to accomplish an ulterior purpose like regulating abortion, which isn't a traditional land use and for which there are other mechanisms of regulation. Second, even if Virginia Code § 15.2-2280 authorizes a locality to specifically regulate abortion, Bristol's means of exercising that authority still needs to be reasonable. To be reasonable, Bristol must be able to set forth at least one valid purpose for the ordinance under Virginia Code § 15.2-2283 and at least one valid consideration for the ordinance under Virginia Code § 15.2-2284. It can do neither; when read in full, Bristol's claimed purposes and considerations for the "protection of life" fall apart. As a result, Bristol is not able to show that its proposed ordinance meets a purpose under § 15.2-2283 or is drawn in consideration of a valid factor under § 15.2-2284. As a result, Bristol's proposed zoning ordinance also fails step two of the Dillon's Rule analysis, and would be invalid if enacted.

³⁸ Va Code § 15.2-2284 (2020).

Applicant Details

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 JD/LLB From **Georgetown University Law Center**
https://www.nalplawschools.org/employer_profile?FormID=961
 Date of JD/LLB **June 7, 2023**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **The Georgetown Journal of Legal Ethics**
 Moot Court Experience **Yes**
 Moot Court Name(s) **GULC Beaudry Moot Court Competition (2021) - Semifinalist**
Federal Bar Association Thurgood Marshall Moot Court Competition (2022) - top 8 teams

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**This applicant has certified that all data entered in this profile and
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May 25, 2023

The Honorable Jamar K. Walker
United States District Court for the Eastern District of Virginia
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker:

As an expected June 2023 graduate of Georgetown University Law Center, I would like to be considered for a 2024-2025 clerkship with your chambers in Norfolk, Virginia. Having gained exposure to litigation through my prior professional experiences and future experience as an incoming litigation associate at Kirkland & Ellis in Washington, D.C., I am very interested in clerking in the Eastern District of Virginia because of the opportunity to observe a fast-moving docket with vast exposure to government-facing litigation, including a wide-range of criminal prosecutions and national security matters. Additionally, I grew up in Fauquier County, VA, in Broad Run, and am excited about the opportunity to clerk in the district covering my home county. I am particularly interested in working for your chambers because of your strategic vantage point in the Fourth Circuit and your background in prosecution—the Court must apply its precedents, but I want to learn how those precedents are considered alongside a deep understanding of the inequities that exist within the justice system.

I chose to attend Georgetown to begin my legal career because I wanted to spend my time meeting practitioners and learning how the law is applied practically, outside the classroom. Through internships, including with Judge Kelly at the U.S. District Court for the District of Columbia and Judge Crowell at D.C. Superior Court, I gained exposure to how attorneys operate in the real world, and spent time drafting motions and memoranda, alongside various research assignments to assist both litigators and judicial clerks as they prepared for trial. It is through these experiences that I decided I wanted to clerk—the opportunity to see how the law is decided in action, and the messiness of wrestling with precedent to create the best legal outcome is one I would value extensively.

Prior to coming to law school I also saw litigation up-close—I worked for the Abell Foundation, a nonprofit that had a portfolio investment embroiled in IP litigation in the USITC and district courts. I assisted with research for complaint story-crafting, deposition preparation, and privilege log work, among other trial and settlement documents associated with the litigation. Alongside this work on IP litigation at Abell, I worked for the Chair of the Baltimore County Sexual Assault Reform Task Force. Through this role I interviewed public lab directors across Maryland regarding their practices surrounding sexual assault forensic evidence kits, interfaced with law enforcement, the Baltimore County State's Attorney's Office and other stakeholders, and drafted sections of the final report that was released by the County Executive.

Clerking offers a singular opportunity to further develop my foundational understanding of how the law works in practice, and I am excited to apply for this opportunity with your chambers in Norfolk. Enclosed please find my resume, list of references, law school transcript, and writing sample. Arriving separately through Oscar are letters of recommendation from Professors Donald Langevoort, Emily Satterthwaite, and Eileen Kamerick, along with a letter of recommendation from a prior supervisor of mine, Frances (Francie) Keenan of the Abell Foundation. I can be reached at kmm475@georgetown.edu or by phone at +1 (540) 878 7987. I look forward to hearing from you.

Best,

Katherine McMullen

KATHERINE McMULLEN

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EDUCATION

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Exceptional Pro Bono Pledge Honoree

Activities: Peer Tutor for 1Ls (Civil Procedure) (Fall 2022)

Research Assistant, *The Georgetown Law Journal Annual Review of Criminal Procedure* (Summer 2021)

1L Representative, Corporate & Financial Law Organization (2020-2021)

STANFORD UNIVERSITY

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Bachelor of Arts in International Relations

June 2016

Minor: Middle Eastern Languages, Literature & Cultures

Study Abroad Awards: Clinton Scholarship, American University in Dubai, United Arab Emirates (August-December 2014)

USDE Fulbright-Hays Fellowship Grant awarded by the University of Virginia for study at

Yarmouk University in Irbid, Jordan (June-August 2014)

Activities: Stanford Women in Business, Board Member (2015-2016) & Other Roles (2012-2015)

EXPERIENCE

KIRKLAND & ELLIS

Washington, D.C.

Incoming Litigation Associate

Expected Fall 2023

Summer Associate

May 2022-July 2022

- Performed legal research, drafted memo on SEC rule, and reviewed documents for FCPA investigation

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Washington, D.C.

Judicial Extern, Chambers of the Honorable Timothy J. Kelly

January 2023-April 2023

- Performed legal research, drafted sections of opinions and drafted bench memo on contract issue

DEPARTMENT OF JUSTICE

Washington, D.C.

Volunteer Law Student Extern, Organized Crime and Gang Section

August 2022-November 2022

- Performed legal research and drafted motions on evidentiary and other issues

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Washington, D.C.

Judicial Extern, Chambers of the Honorable James A. Crowell IV

January 2022-April 2022

- Performed legal research, assisted with docket preparation, and drafted both sentencing and bench memos, including multiple memos for Incarceration Reduction Amendment Act (IRAA) cases

U.S. ATTORNEY'S OFFICE, DISTRICT OF COLUMBIA

Washington, D.C.

Volunteer Law Student Extern, Violent Crimes and Narcotics Section

September 2021-December 2021

- Performed legal research, redacted discovery documents, and drafted sections of motions

U.S. ATTORNEY'S OFFICE, DISTRICT OF MARYLAND

Baltimore, MD

Summer Law Student Intern

June 2021-July 2021

- Performed legal research, summarized witness testimony for use in appellate brief, and drafted sections of motions

ABELL FOUNDATION

Baltimore, MD

Analyst and Executive Assistant to the Senior Vice President

May 2017-October 2019; March 2020-August 2020

- Provided litigation support, including privilege log analysis, complaint story-crafting and Relativity discovery database research, for portfolio investment involved in intellectual property disputes in USITC and District Court
- Updated various competitor and market analyses for active direct investments, including those in the automotive powertrain, hydropower, and gasification technology spaces, and performed diligence for potential new investments
- Developed and implemented audit of over 200 sexual assault cases in Baltimore County; interviewed stakeholders and drafted sections of report on findings for release by County Executive

LORI SYSTEMS

Nairobi, Kenya

Executive Coordinator

November 2019-March 2020

- Developed pitch decks for use in high-level investor meetings and developed and implemented strategic partnership and internal operations strategies in collaboration with executive team

PLOUGHSHARES FUND

Washington, D.C.

Research Assistant

September 2016-March 2017

- Conducted in-depth nuclear weapons and security research to inform senior staff talking points and co-authored article on weapons transport regarding lack of security protocols during domestic transport of nuclear arms

COMMUNITY INVOLVEMENT & INTERESTS

- Georgetown University Pre-Law Society Mentor (2021-Present); Thread (thread.org) Head of Family (2017-2019)
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This is not an official transcript. Courses which are in progress may also be included on this transcript.

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Subj	Crs	Sec	Title	Crd	Grd	Pts	R
Fall 2020							
LAWJ	001	22	Civil Procedure	4.00	A	16.00	
			Aderson Francois				
LAWJ	002	22	Contracts	4.00	B+	13.32	
			Anna Gelpen				
LAWJ	005	21	Legal Practice: Writing and Analysis	2.00	IP	0.00	
			Erin Carroll				
LAWJ	008	21	Torts	4.00	B	12.00	
			Paul Rothstein				
EHrs QHrs QPts GPA							
Current	12.00	12.00	41.32	3.44			
Cumulative	12.00	12.00	41.32	3.44			
Subj	Crs	Sec	Title	Crd	Grd	Pts	R
Spring 2021							
LAWJ	003	22	Criminal Justice	4.00	B+	13.32	
			Shon Hopwood				
LAWJ	004	22	Constitutional Law I: The Federal System	3.00	A-	11.01	
			Paul Smith				
LAWJ	005	21	Legal Practice: Writing and Analysis	4.00	A-	14.68	
			Erin Carroll				
LAWJ	007	92	Property	4.00	B+	13.32	
			Nee Sukhatme				
LAWJ	1701	50	International Economic Law and Institutions	3.00	A	12.00	
			Sean Hagan				
LAWJ	611	09	Corporate Compliance in the Financial Sector: Anti-Money Laundering and Counter-Terrorism Financing	1.00	P	0.00	
			Jonathan Rusch				
EHrs QHrs QPts GPA							
Current	19.00	18.00	64.33	3.57			
Annual	31.00	30.00	105.65	3.52			
Cumulative	31.00	30.00	105.65	3.52			

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Program Changed to:

Major: Law/Business Law Scholars

Subj	Crs	Sec	Title	Crd	Grd	Pts	R
Fall 2021							
LAWJ	121	02	Corporations	4.00	B+	13.32	
			Robert Thompson				
LAWJ	1491	03	Externship I Seminar (J.D. Externship Program)		NG		
			Alexander White				
LAWJ	1491	125	~Seminar	1.00	A	4.00	
			Alexander White				
LAWJ	1491	127	~Fieldwork 3cr	3.00	P	0.00	
			Alexander White				
LAWJ	300	05	Accounting for Lawyers	2.00	B+	6.66	
			Kevin Woody				
LAWJ	309	07	Congressional Investigations Seminar	2.00	B+	6.66	
			Robert Muse				
LAWJ	421	05	Federal Income Taxation	4.00	A-	14.68	
			Emily Satterthwaite				
EHrs QHrs QPts GPA							
Current	16.00	13.00	45.32	3.49			
Cumulative	47.00	43.00	150.97	3.51			
Subj	Crs	Sec	Title	Crd	Grd	Pts	R
Spring 2022							
LAWJ	126	05	Criminal Law	3.00	A	12.00	
			Alicia Washington				
LAWJ	1372	05	Business Essentials: A Mini-MBA for Lawyers	3.00	A-	11.01	
			Stephen Hills				
LAWJ	1492	41	Externship II Seminar (J.D. Externship Program)		NG		
			Tannisha Bell				
LAWJ	1492	89	~Seminar	1.00	A-	3.67	
			Tannisha Bell				
LAWJ	1492	91	~Fieldwork	3.00	P	0.00	
			Tannisha Bell				
LAWJ	1512	05	Constitutional Litigation and the Executive Branch	2.00	A-	7.34	
			Joshua Matz				
LAWJ	396	05	Securities Regulation	4.00	A	16.00	
			Donald Langevoort				
EHrs QHrs QPts GPA							
Current	16.00	13.00	50.02	3.85			
Annual	32.00	26.00	95.34	3.67			
Cumulative	63.00	56.00	200.99	3.59			
Subj	Crs	Sec	Title	Crd	Grd	Pts	R
Fall 2022							
LAWJ	165	05	Evidence	4.00	A-	14.68	
			Michael Gottesman				
LAWJ	178	07	Federal Courts and the Federal System	3.00	B+	9.99	
			Michael Raab				
LAWJ	361	09	Professional Responsibility	2.00	A	8.00	
			Philip Sechler				
LAWJ	397	05	Separation of Powers Seminar	3.00	B+	9.99	
			Paul Clement				

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This is not an official transcript. Courses which are in progress may also be included on this transcript.

Record of: Katherine M. McMullen
GUID: 819485445

			EHrs	QHrs	QPts	GPA			
Current			12.00	12.00	42.66	3.56			
Cumulative			75.00	68.00	243.65	3.58			
Subj	Crs	Sec	Title			Crd	Grd	Pts	R
----- Spring 2023 -----									
LAWJ	114	08	Corporate Finance			4.00	P	0.00	
LAWJ	1610	09	Criminal Practice			2.00	A-	7.34	
			Seminar: White-Collar Crimes in a Transnational Context						
LAWJ	1830	05	Corporate Boards			2.00	A	8.00	
			Seminar						
LAWJ	317	07	Negotiations Seminar			3.00	A	12.00	
LAWJ	351	05	Trial Practice			2.00	A	8.00	
----- Transcript Totals -----									
			EHrs	QHrs	QPts	GPA			
Current			13.00	9.00	35.34	3.93			
Annual			25.00	21.00	78.00	3.71			
Cumulative			88.00	77.00	278.99	3.62			
----- End of Juris Doctor Record -----									

Georgetown Law
600 New Jersey Avenue, NW
Washington, DC 20001

May 25, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

Katherine McMullen has asked that I write to you in connection with her application for a judicial clerkship. Katherine was a student in my Securities Regulation class during her second year at Georgetown, and although the class was very large, I got to know her very well. Based on that contact and her stellar performance on the final exam, I recommend her to you with enthusiasm.

Katherine is a very focused, engaged law student, especially on matters relating to Her career interest, white-collar crime prosecution and litigation. She was selected to take part in Georgetown's innovative Business Law Scholars program, which adds various enhancements to a demanding business law curriculum. She has done internship/externship programs with the Department of Justice, judges in the District of Columbia and D.C. Superior Court, and U.S. Attorney's Offices in the District of Columbia and District of Maryland. She is exceptionally motivated, entirely in a good way. Her summer clerkship was with Kirkland & Ellis in its Washington D.C. office, which she will be joining full time as an associate after her Georgetown graduation.

I urge you to offer her an interview, so that you can observe for yourself Katherine's level of passion and knowledge. Wisely, she is committed to a district court clerkship for the professional skill building it would offer. Were you to hire Katherine as one of your clerks, you will quickly come to realize what an exceptional young professional she is. Please let me know if I can be of any further assistance.

Sincerely,

Donald C. Langevoort
Thomas Aquinas Reynolds Professor of Law

Donald Langevoort - langevdc@law.georgetown.edu

.....
A B E L L
.....
F O U N D A T I O N
.....

May 15, 2023

Dear Judge:

It is my pleasure to submit this letter of recommendation in support of Katherine McMullen's application for a federal clerkship. Katherine worked directly for me at the Abell Foundation for two and one-half years before attending law school

For over 35 years, I have served as the Chief Financial Officer and Senior Vice President for the Abell Foundation, a non-profit private foundation in Baltimore, Maryland, that is dedicated to fighting urban poverty. In addition, for the last 17 years I have served as the Executive Chairman of Paice LLC, a pioneer in hybrid car technology and an Abell investee.

Abell is a very innovative non-profit on multiple fronts: grant-making, social entrepreneurship and investments. Abell invests in promising local companies – including those focused on medical, technical and environmental advances – with the goal of creating local jobs and reinvesting any earnings back into the community. Consistent with this mission, Abell invested millions of dollars to promote Paice LLC's efforts to develop and promote its innovative-patented hybrid car technology. Abell has also made substantial investments in ThermoChem Recovery International (TRI). TRI's advanced steam reforming gasification technology can transform garbage into drop-in transportation fuel. Katherine worked side by side with me on both Paice and TRI during her time at Abell. Her responsibilities included assisting me in managing complex patent litigation between Paice/Abell and several global automotive manufacturers. She routinely interfaced with the patent lawyers and was a key team player during a very stressful and high stakes trial. Katherine earned the complete respect of the trial team. On TRI, Katherine assisted me with review and analysis of an offering memorandum for green bonds, the Independent Engineer's report and consultants' reports describing the first of a kind Municipal Solid Waste (MSW) to jet-fuel bio refinery.

Katherine has a rare gift of being able to immerse herself in the details but then step back to organize, analyze and present complicated information in a well-written form that is concise, persuasive and understandable. Her intellectual abilities along with her professionalism and maturity prompted me to include her in numerous high-level strategy meetings as well as Paice and TRI board meetings. She took on a wide variety of demanding and complex assignments and completed them in an exemplary manner. Her ability to keep confidential matters confidential was exemplary.

111 South Calvert Street Suite 2300
Baltimore, Maryland 21202-6174
Phone 410-547-1300
Fax No. 410-539-6579

Katherine has a thirst for knowledge and a passion for research that allow her to gain an in-depth understanding of complex matters. In addition to the key research she did for Paice and TRI, she co-authored an Abell Report titled "Fact Check: A Survey of Available Data on Juvenile Crime in Baltimore City." Katherine performed data analysis and conducted many in-person and phone interviews with stakeholders (a judge, academics, Office of the Public Defender, Department of Juvenile Services and the State's Attorney's Office). She also learned how to use and analyze a SQL database as part of this project. The report can be found on Abell's website and is an excellent example of the caliber of Katherine's work product.

Katherine works well in environments surrounded by smart people trying to figure out difficult problems. She handles ambiguity well and thrives in an environment that is constantly changing. Katherine prefers to learn by interning/doing rather than the classroom which is why, in part, she decided to attend Georgetown Law School.

Katherine has informed me that she would like to work for a private law firm for a few years, then clerk, and then switch into a public sector role, preferably with a federal prosecuting office. A clerkship would allow her the opportunity to wrestle with and learn how to apply the law each day for a dedicated year while further developing her writing skills. She believes that working for a judge to understand how the judge makes the "tough calls" in legal grey areas and weighs sentencing decisions while working with a small team is truly exciting.

Katherine is an amazing young woman and I truly believe a federal clerkship would complement her skillsets and contribute meaningfully to her continued professional growth and career development.



Frances M. Keenan
Senior Vice-President
Abell Foundation, Inc.

Georgetown Law
600 New Jersey Avenue, NW
Washington, DC 20001

May 25, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am a full-time member of the faculty at Georgetown University Law Center's and it is a pleasure to recommend Ms. Katherine McMullen, Georgetown Law '23, who has applied for a clerkship in your chambers. An active and engaged Georgetown student, Ms. McMullen is a member of the Moot Court team (Barrister's Council, Appellate Advocacy Division) and serves on the Georgetown Journal of Legal Ethics. I am confident that Ms. McMullen will be a wonderful law clerk and am delighted to support her application.

I got to know Ms. McMullen in the fall semester of 2021 when she was a 2L student in my upper-level Federal Income Taxation course. Ms. McMullen's performance in Federal Income Taxation was very strong: she earned an A- and was in the top half of the class. In class, she stood out from the beginning because she sat in the front row, was always meticulously prepared, and her performance on panel was stellar. When she wasn't on panel, she occasionally asked questions and their substantive quality was excellent. They were always on-point, well-articulated, and helped advance everyone's learning, thereby giving Ms. McMullen a well-deserved reputation in the class as a talented legal thinker and communicator.

Ms. McMullen also came to my attention on account of her initiative and the strength of her research and writing. In Federal Income Tax, students were permitted to choose a tax question of interest to them that we had not covered in the course and to write a short memorandum addressing it (for extra credit). Ms. McMullen seized the opportunity to do this and her memorandum was one of the strongest in the class. It asked the following: "How does the IRS treat filing for polygamous and other non-dyadic marriages (e.g., polyamorous relationships) in light of the recent decriminalization of polygamy in Utah and loosening of dyadic-centric domestic partnership requirements in certain domestic municipalities?" The answer provided in the memorandum was clear, thoroughly-researched and well-reasoned. It found that, unless such relationships are recognized as a "marriage" under state law, the IRS cannot treat the individual parties to the relationship as married for tax purposes. She concluded that until the Internal Revenue Code adopts a more expansive definition of what it means to be "married" under section 7701 and corresponding regulations, any given two members of a non-dyadic domestic partnership will be denied the benefits that a married couple can receive under the Internal Revenue Code, thus creating an inequity between these different kinds of legal relationships.

Ms. McMullen's background both before and during law school is impressive and well-suited to clerking. After completing her undergraduate studies at Stanford University and working for several years abroad and domestically, Ms. McMullen came to Georgetown Law. She was selected as a Business Law Scholar on account of her interest in studying business law through a litigation lens; she hopes one day to become a prosecutor. During law school, to advance this core interest, she has engaged a wide array of litigation experiences through externships and internships. These include placements in a judicial externship at the U.S. District Court for the District of Columbia (chambers of the Honorable Timothy J. Kelly), a volunteer law student externship at the Department of Justice (Organized Crime and Gang Section), a judicial externship at the Superior Court for the District of Columbia (chambers of the Honorable James A. Crowell IV), a volunteer law student externship at the U.S. Attorney's Office - District of Columbia (Violent Crimes and Narcotics Section), and a summer law student internship at the U.S. Attorney's Office - District of Maryland.

In addition to Ms. McMullen's academic skills and preparation, she is a kind and curious person. It is always a pleasure to interact with her inside and outside of class. In this regard, she is quick to use her many skills to help others. One example of this is her volunteer work with the organization Thread.org as a "Head of Family" to an at-risk Baltimore ninth grader.

In sum, Ms. McMullen is extremely well-qualified to be a clerk in your chambers and would be a marvelous addition to your community. Her combination of excellent analytical, research, and writing skills along with her interpersonal abilities make it easy for me to enthusiastically recommend her.

I would be happy to discuss further any aspect of this letter or Ms. McMullen's application. Please do not hesitate to contact me if I can be of assistance.

Sincerely yours,

Emily Satterthwaite

Emily Satterthwaite - eas395@georgetown.edu

KATHERINE MCMULLEN

455 I Street NW, Apt. 606, Washington, D.C. 20001 | (540) 878-7987 | kmm475@georgetown.edu

Writing Sample

The attached writing sample is the argument section of a brief I wrote when competing in the Beaudry Moot Court Competition at Georgetown University Law Center in 2021. The two questions discussed in the brief were: whether the legislative prayer doctrine applies to Hotung School District's school board meetings, and whether the prayer policy of that school district violates the Establishment Clause. The case took place on appeal from a hypothetical Thirteenth Circuit. The competition used a closed packet, and as part of the closed packet, certain reporter numbers and case names were modified. Thus, case names, reporter and page numbers may not correspond exactly to their real-life counterparts. The paper has not been edited by third parties and is my own work product.

SUMMARY OF ARGUMENT

The Hotung School District Board of Education's 2011 policy of solemnization of proceedings through an invocation falls under the Legislative Prayer Doctrine Exception to the Establishment Clause. The Establishment Clause of the First Amendment to the Constitution prohibits any government policy that effectively forces religion or religious practice onto its citizens. There is generally a clear line separating religious and state practice, with school-sponsored prayer almost universally illegal. There is a narrow exception, however, for invocations that begin sessions of legislative bodies. The exception exists largely because of the historical tradition of solemnizing proceedings through prayer, with case law including school boards within legislative bodies. Therefore, the Thirteenth Circuit correctly decided on appeal that Hotung's policy falls within the narrow legislative prayer exception because the Hotung Board centered its policy on solemnization, and historical tradition allows for such conduct.

Though the Board's conduct rightly falls within the legislative prayer exception, even if this Court disagrees, Hotung's policy survives scrutiny under the Establishment Clause analysis developed in *Lemon v. Kurtzman*. The analysis looks at a policy's purpose, primary effect, and whether or not it is an excessive entanglement of the government with religion. Hotung's express purpose for the policy was solemnization of school board meetings and promotion of the religious diversity of the district. Because of its secular purpose and dedication to removing the Board from direct decision-making regarding the content and provider of the invocation, the primary effect of the policy does not advance religion. In the same vein, because the Hotung Board has removed itself from direct control over the invocation, it has removed its policy from danger of excessive entanglement with religion.

ARGUMENT**I. The legislative prayer doctrine applies to the Hotung School District Board of Education’s policy of community-sourced religious leaders conducting invocations at its meetings.****A. *This case is a question of legislative body invocation—rather than of school prayer—because of the nature of the work of the Hotung Board and historical tradition governing similar practice.***

“A single factual difference... can serve to entangle or free a particular governmental practice from the reach of the [Establishment] Clause's constitutional prohibition... The issue of prayer at school board meetings is no different.” *Coles ex rel. Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369, 376 (6th Cir. 1999). School-sponsored prayer is a per se violation of the Establishment Clause. *Lee v. Weisman*, 505 U.S. 577 (1992) (finding religious exercises conducted at a public high school graduation ceremony are school prayer and thus violate the Establishment Clause). However, the practice of solemnization of a meeting of a legislative body with a religion-adjacent moment is a narrow exception to the general Establishment Clause doctrine. *Marsh v. Chambers*, 463 U.S. 783 (1983) (holding the Nebraska Legislature's practice of opening each legislative session with a prayer by a State-remunerated chaplain does not violate the Establishment Clause); *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565 (2014) (holding *Marsh* applicable to town board meetings). The courts have extended this traditional legislative prayer exception beyond state and federal legislatures, “to local deliberative bodies” like city councils and school boards, though the issue of the exception’s applicability to school boards is still fact-sensitive. *Bormuth v. Cnty. of Jackson*, 870 F.3d 494 (6th Cir. 2017) (holding legislative prayer exception extends to local deliberative bodies like city councils); *Am. Humanist Ass'n v. McCarty*, 851 F.3d 521, 527 (5th Cir. 2017) (extends *Town of Greece* to prayers before school boards); *Doe v. Indian River Sch. Dist.*, 653 F.3d 256 (3d Cir. 2011)

(applies *Lee* to issue of school board meeting prayer led by board members); *Coles*, 171 F.3d at 377 (applies *Lee* to issue of school board meeting prayer conducted, at times, in a schoolhouse).

The Third, Fifth and Sixth Circuits have each examined whether prayer performed before school board meetings falls under the legislative prayer doctrine exception. *See, e.g., Coles*, 171 F.3d at 369; *McCarty*, 851 F.3d at 521; *Indian River*, 653 F.3d at 256. In *Coles*, the Sixth Circuit held that prayer before meetings of the Cleveland School Board fell under *Lee* rather than *Town of Greece* because the meetings “are part of the same ‘class’” as other activities like school graduation ceremonies and football games “in that they take place on school property and are inextricably intertwined with the public school system[.]” *Coles*, 171 F.3d at 377. Because board meetings are in this same class of activities, the Cleveland Board must be directing the entirety of its meeting’s proceedings to its constituencies—the students. *Id.* The Sixth Circuit looked specifically to the audience and setting of the legislative activities of the Cleveland School Board in making the determination that *Lee* should govern the case. The Cleveland School Board conducted meetings on school property—even on occasion within a schoolhouse—which were attended by students who “[were] directly involved in the discussion and debate at school board meetings.” *Id.* at 382. By comparison, in the present matter, Hotung’s school board holds meetings in the District Administration Building or the local community theater, neither of which is a school. 548 F.4d at 206; 126 F. Supp. 4th at 138. The court in *Lee* noted it was issuing a limited ruling in response to the “sole question” of “whether a religious exercise may be conducted at a graduation ceremony in circumstances where, as we have found, young graduates who object are induced to conform.” *Lee*, 505 U.S. at 599. The issue in *Coles*, however, is of a more nuanced nature than the clear bright line ruling of *Lee*. Similarly, the Third Circuit in *Indian River* did not adequately substantiate why *Lee* held sway over the matter. *Indian River*,

653 F.3d at 270 (stating only “[h]aving decided that this case is controlled by the principles in *Lee v. Weisman*, we must next decide whether the Indian River Policy violates the Establishment Clause” without further substantiation). Further, as the Sixth Circuit noted in *Bormuth*, the Fifth Circuit has applied *Town of Greece* to prayers before school boards. *Bormuth*, 870 F.3d at 505 (citing *McCarty*). Therefore, since *Lee* is unconvincingly applicable to the present matter, the fact-sensitive inquiry typified in *Town of Greece* must govern.

B. A fact-sensitive inquiry into the Board’s policy emphasizes the Board remains squarely within the legislative prayer exception and does not compel its citizens to religious observance.

Opening meetings of legislative bodies with prayer “is not subject to typical Establishment Clause analysis because such practice ‘was accepted by the Framers and has withstood the critical scrutiny of time and political change.’” *McDonough Found.*, 126 F. Supp. 4th at 139 (quoting, in part, *Town of Greece*, 572 U.S. at 577); *Town of Greece*, 572 U.S. at 575 (noting the Court in *Marsh* “sustained legislative prayer without subjecting the practice to any of the formal tests that have traditionally structured this inquiry,” because of historical tradition). However, the prayers, or moments of solemnization, must not “denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.” *Town of Greece*, 572 U.S. at 585. The principal audience of the prayers must also be the lawmakers themselves, and not the attending public. *Id.* at 587. In sum, the courts must perform a fact-sensitive inquiry examining the audience, setting, board influence on the prayer giver and prayer content, and historical tradition, in determining whether an organization has violated the legislative prayer doctrine and thus is forcing undue compulsory religious practice on its citizen. *Id.*

i. The audience of the Hotung Board’s policy is primarily the board members.

The audience for a legislative prayer must be principally the legislatures themselves, rather than a secondary audience, though the secondary audience may be present. *Town of*

Greece, 572 U.S. at 587. Special consideration is also given to the presence of children at the proceedings, due to their vulnerability to peer pressure. *Lee*, 505 U.S. at 593; *McDonough Found.*, 548 F.4d at 210. However, as the Circuit Court noted, “the presence of students at board meetings does not transform this into a [*Lee*] school prayer case. There were children present at the town board meetings in *Town of Greece*... [and] the Court nonetheless applied the legislative prayer exception.” *McDonough Found.*, 548 F.4d at 210. What is of great importance, however, is the actions of the board itself—if members of the board “directed the public to participate in the prayers, singled out dissidents for opprobrium, or indicated that their decisions might be influenced by a person’s acquiescence in the prayer opportunity,” then the policy would likely tip the inquiry against a legislative exception. *Town of Greece*, 572 U.S. at 587. The Hotung Board does no such thing—though there are students present at the meeting, the Board does not force any student into compulsory participation. Further, through the varied nature of speakers at the meetings, the two students who sit in on all Hotung Board meetings as members of the Student Advisory Council are not exposed to a continual march of one religion or prayer-type—they are exposed to the full diversity of offerings in the district, secular and non-secular.

ii. The setting of the Hotung Board meetings reiterates the separation of religious, school-day and governmental activity.

The Hotung Board conducts its meetings on non-school property either at a District Administration building or at a local community theater. For these reasons, the meetings are physically and sentimentally removed from the bounds of the school day, thereby providing a clear delineation between what is school and what is not school. Because of this clear line, Hotung satisfies this aspect of the *Town of Greece* inquiry.

iii. Hotung School Board remains multiple steps removed from the day-to-day selection of prayer giver and prayer content, thereby preventing its slide into school prayer territory.

The court looks to the activities of the legislative body as a whole when considering legislative prayer. *Lund v. Rowan Cnty., N.C.*, 837 F.3d 407, 421 (4th Cir. 2016). The identity of the prayer or invocation giver is generally “constitutionally insignificant;” rather, what is of significance is whether discrimination against certain speakers preventing their participation has occurred. *Id.* at 424. Further, “[o]nce it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates, unfettered by what an administrator or judge considers to be nonsectarian.” *Town of Greece*, 572 U.S. at 582. Finally, “[i]f the course and practice over time shows that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion,’ a constitutional line can be crossed... To this end, courts need only assure themselves that sectarian legislative prayer, viewed from a cumulative perspective, is not being exploited to proselytize or disparage.” *Lund*, 837 F.3d at 421.

When examined holistically, Hotung’s policy does not violate this inquiry. The Board’s policy removes the Board from directly influencing the content of the prayers. It further removes the Board, in general, from the picking of religious leaders within the community to lead each meeting’s invocation. It is only when a religious leader has not sought out the invocation spot at a particular meeting that the Board must name someone to give the invocation, and at that point the policy requires the Board to select a leader from the list at random. Further, the policy prevents religious leaders from speaking at consecutive meetings, thereby eliminating a key path to tipping the scales toward proselytization. The content of the invocations is not used to disparage other religions—though the content of the invocations is beyond the Board’s control, the McDonough Foundation has not alleged the contents of the invocations disparage other

religions. Even if McDonough could point to a specific invocation or prayer that did disparage another religion, “*Town of Greece* ‘requires an inquiry into the prayer opportunity as a whole, rather than into the contents of a single prayer.’” *Id.* at 422.

iv. Against the backdrop of historical tradition, Hotung remains firmly within the bounds of the legislative prayer doctrine.

The Thirteenth Circuit found that dating from the early 1800s—a time when the United States had hardly more than the thirteen original colonies it began with—“at least eight states had some history of opening prayers at school board meetings.” *McDonough Found.*, 548 F.4d at 209. In *Bormuth*, the Sixth Circuit found that the “tradition [of legislative prayer] extends not just to state and federal legislatures, but also to local deliberative bodies like city councils” and school boards. *Bormuth*, 780 F.3d at 505 (referencing *McCarty*, 851 F.3d 521). Hotung “is a deliberative body, charged with overseeing the district’s public schools, adopting budgets, collecting taxes, conducting elections, issuing bonds, and other tasks that are undeniably legislative. In no respect is it less a deliberative body than was the town board in *Town of Greece*.” *McDonough Found.*, 548 F.4d at 208–209. Taken together, the Hotung Board is firmly within the legislative prayer doctrine because of the combination of the historically traditional practice of legislative prayer, and its application both to school boards specifically and schools boards by analogy (a legislature is a legislature is a legislature).

II. Even if this court finds the legislative prayer doctrine does not govern the present matter, the Hotung School Board is not in violation of the Establishment Clause as it satisfies *Lemon*.

A. The *Lemon* test governs as it is the go-to test this Court relies on in cases concerning school prayer.

To determine whether a matter violates the Establishment Clause, the courts look to *Lemon v. Kurtzman* and the so-called *Lemon* test: “a court must inquire (1) whether the government has the purpose of endorsing religion, (2) whether the effect of the government's

action is to endorse religion, and (3) whether the policy or practice fosters an excessive entanglement between government and religion.” *Mellen v. Bunting*, 327 F.3d 355 (4th Cir. 2003) (quoting *Cnty. of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 592 (1982)). In *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000), this court applied the “endorsement test” as opposed to the *Lemon* test. However, the endorsement test and the second prong of the *Lemon* test are virtually indistinguishable. *Indian River*, 653 F.3d at 282 (noting the endorsement test and the second *Lemon* prong are essentially the same, citing to *Black Horse Pike*, 84 F.3d at 1486); *Mellen*, 327 F.3d at 368 (holding the endorsement test is a refinement of *Lemon*'s second prong).

B. Hotung passes the first prong of the Lemon test because of the Board’s policy’s clear, secular purpose.

To apply the first prong of *Lemon*, “we ask ‘whether [the] government's actual purpose is to endorse or disapprove of religion.’” *Indian River*, 653 F.3d at 283 (quoting *Wallace v. Jaffree*, 472 U.S. 38, 56 (1985)). The statute need not have exclusively secular objectives; “the ‘touchstone’ is neutrality” with the government only violating the Establishment Clause when it “acts with the ostensible and predominant purpose of advancing religion.” *Mellen*, 327 F.3d at 742 (quoting *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005)). The secular purpose must be sincere and not a sham, with the board or government’s stated purpose afforded some deference. *ACLU of Ohio v. Capitol Square Review & Advisory Bd.*, 243 F.3d 289, 306 (6th Cir. 2001) (“Unless it seems to be a sham... the government's assertion of a legitimate secular purpose is entitled to deference.” *Brooks v. City of Oak Ridge*, 222 F.3d 259, 265 (6th Cir. 2000)); *Indian River*, 653 F.3d at 283; *Mellen*, 327 F.3d at 372–73.

In the present matter, the policy’s “stated purpose is the solemnization of Board meetings and honoring the diversity of religion in Hotung.” *McDonough Found.*, 126 F. Supp. 4th at 138.

The District Court here decided because two Hotung board members had made statements using Christian concepts, “the prayer policy’s provision for a solemnizing invocation does not constitute a permissible secular purpose,” adding, “[t]here is no secular reason to limit the solemnization to prayers.” *Id.* at 144. However, in *Mellen*, the Fourth Circuit held a policy of prayer before compulsory dinners at a state-funded university still passed the first prong of *Lemon*. In *Mellen*, the purpose of the prayer was to “promote religious tolerance, [educate] cadets about religion, and get ‘students to engage with their own beliefs.’” *Mellen*, 327 F.3d at 373. The Fourth Circuit strongly expressed doubt about the stated purpose (“we are concerned”) but afforded the policy’s stated purpose deference, stating, “[w]e are inclined to agree that the purpose of an official school prayer ‘is plainly religious in nature’ ... however, we will accord [the government] the benefit of all doubt and credit [their] explanation of the prayer’s purposes.” *Id.* at 374. Hotung’s stated aim is secular in rhetoric and in purpose. Therefore, this court should follow the case law, and affirm the Circuit Court’s finding that Hotung’s stated purpose does not violate the first prong of the *Lemon* test.

C. The primary effect of the Hotung Board’s solemnization of proceedings does not advance religion, thereby green-lighting Hotung on the second prong of the Lemon test.

The second prong of *Lemon* demands that a governmental practice not advance or inhibit religion, regardless of its purpose. *Indian River*, 653 F.3d at 284; *Gregoire v. Centennial Sch. Dist.*, 907 F.2d 1366, 1380 (3d Cir. 1990). Objectively and through the viewpoint of a reasonable observer, the court examines the totality of evidence, including the “history and ubiquity” of the practice. *Indian River*, 653 F.3d at 284 (quoting *Sch. Dist. of Grand Rapids v. Ball*, 473 U.S. 373, 390 (1985)); *Mellen*, 327 F.3d at 374 (noting “this ‘primary effect’ prong must be assessed objectively”). The second prong asks “whether, irrespective of government’s actual purpose, the

practice under review in fact conveys a message of endorsement or disapproval [of religion].”

Mellen, 327 F.3d at 374 (quoting *Wallace v. Jaffree*, 472 U.S. at 56 n. 42).

Hotung’s practice of allowing community religious leaders to provide the invocation at the board meetings on a first come first served basis is the initial bulwark against a violation of the second prong of *Lemon*. By structurally distancing itself from the selection of the prayer-giver, Hotung effectively washes its hands of an endorsement or opposition of religion in the practice. This clear removal from influence is further strengthened by Hotung’s method of adding religious leaders to its list:

The Board compiles a list of eligible leaders by searching the internet, soliciting references from fellow community members, and consulting with the chamber of commerce. A religious leader may also request to be added to the list... The local fire department, law enforcement, and military installation chaplains are automatically added... The policy specifically states that the Board must make every possible effort to schedule a variety of religious speakers and no religious leader may speak at two meetings in a row.

McDonough Found., 126 F. Supp. 4th at 138.

The District Court in its ruling did not elaborate on its reasoning for why Hotung violated the second prong of *Lemon*. In *Indian River*, the school board began their meetings with a prayer, with the stated purpose to solemnize the proceedings. 653 F.3d at 261. The Third Circuit found in that case that “the largely religious content of the prayers would suggest to a reasonable person that the primary effect of the Policy is to promote Christianity,” and thus violated the second prong of *Lemon*. *Id.* at 284. At first glance, the Indian River School Board and Hotung’s Board seem to be two sides of the same coin, but there is a key difference distinguishing the two—the school board in *Indian River* rotated its prayer-giving through members of its board, while Hotung removed the act of prayer-giving from its board members in almost all circumstances. *Id.* at 262; *McDonough Found.*, 548 F.4d at 206; *McDonough Found.*, 126 F.

Supp. 4th at 138. Taken at the totality of circumstances level, to the reasonable observer, a rotating group of religious leaders does not convey the same endorsement as board members directly leading prayer. Further, in the legislative prayer context discussed previously, this Court has acknowledged that even a chaplain's sixteen-year consecutive term in prayer-giving before legislative body meetings is not enough to violate the Establishment Clause when the chaplain "was reappointed because [of] his performance and personal qualities [being] acceptable to the body appointing him." *Marsh*, 463 U.S. at 793. Therefore, Hotung's removal of the Board from direct decision-making, combined with the makeup of its list of speakers, and policy preventing consecutive meetings led by the same speaker, cement the Board's compliance with the second *Lemon* prong.

D. Hotung's solemnization of its meetings, through its content-neutral selection policies, does not result in excessive entanglement with religion thereby passing the third prong of Lemon.

The third prong of *Lemon* provides that a government practice may "not foster an excessive government entanglement with religion." *Indian River*, 653 F.3d at 288. Excessive entanglement entails an examination of the "character and purpose of the institutions that are benefitted, the nature of the aid that the State provides, and the resulting relationship between the government and religious authority." *Id.* (quoting *Agostini v. Felton*, 521 U.S. 203, 233 (1997)). "The usual setting for an entanglement clause violation is when a state official... must make determinations as to what activity or material is religious in nature, and what is secular and therefore permissible' ... A content-neutral access policy eliminates the need for these distinctions." *Gregoire*, 907 F.2d at 1381 (quoting, in part, *Bender v. Williamsport Area Sch. Dist.*, 741 F.2d 538, 555 (3d Cir. 1984)). Entanglement is also limited to institutional entanglement. *ACLU of Ohio*, 243 F.3d at 308 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 689 (O'Connor, J., concurring)). However, some interaction between church and state has "always

been ‘tolerated,’” therefore a complete separation is not expected. *Indian River*, 653 F.3d at 288 (quoting *Child Evangelism Fellowship of N.J., Inc. v. Stafford Twp. Sch. Dist.*, 386 F.3d 514, 534 (3d Cir. 2004) (Alito, J.)).

In *Coles*, a case in which the courts examined a school board’s policy of beginning meetings with prayer, the Sixth Circuit found “excessive entanglement where ‘[t]he school board decided to include prayer in its public meetings, chose which member from the local religious community would give those prayers, and ... had the school board president himself compose and deliver prayers to those in the audience.’” *Mellen*, 327 F.3d at 374 (citing *Coles*, 171 F.3d at 385). No such issues are found in the case at bar. The president of the Hotung Board does not himself compose and deliver prayers to those in the audience. He does not ordinarily choose which members of the religious community lead the moments of solemnization. Further, the Hotung Board has historically begun its meetings with a solemnization proceeding and memorialized it in a policy after a period of time. *McDonough Found.*, 126 F. Supp. 4th at 138. The school board president in *Coles*, however, implemented the policy and proceeding simultaneously, effectively making the invocation of prayer a board decision. *Coles*, 171 F.3d at 373.

In *Gregoire*, the Third Circuit held that in order to not violate the Establishment Clause, the Centennial School District could not ban usage of its facilities “for religious purposes” because it would require the School District to illegally entangle itself in “what would almost certainly be complex content-determinations.” 907 F.2d at 1382. The Third Circuit maintained a content-neutral access policy would alleviate this issue. *Id.* at 1381. Hotung has such a content-neutral approach, allowing it further freedom from an excessive entanglement clause violation.

For these reasons, Hotung has not violated the third prong of *Lemon*.

Applicant Details

First Name	Lauren
Middle Initial	N
Last Name	McNerney
Citizenship Status	U. S. Citizen
Email Address	lnm5ms@virginia.edu
Address	<div> Address Street 6345 Trout Stream Drive City Sykesville State/Territory Maryland Zip 21784 Country United States </div>
Contact Phone Number	4432807080
Other Phone Number	4107951513

Applicant Education

BA/BS From	University of Maryland-College Park
Date of BA/BS	May 2021
JD/LLB From	University of Virginia School of Law
Date of JD/LLB	http://www.law.virginia.edu May 19, 2024
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Virginia Law Review
Moot Court Experience	No

Bar Admission**Prior Judicial Experience**

Judicial Internships/Externships **No**
Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Recommenders

Buck, D. Ruth
rbuck@law.virginia.edu
434 924-1042
Verkerke, J.H.
rverkerke@law.virginia.edu
434-977-0565
Bamzai, Aditya
abamzai@law.virginia.edu
(434) 243-0698

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Lauren N. McNerney
2101 Arlington Boulevard, Unit 352A
Charlottesville, VA 22903
lnm5ms@virginia.edu | (443) 280-7080

June 12, 2023

The Honorable Jamar K. Walker
U.S. District Court, E.D.V.A.
600 Granby Street
Norfolk, VA 23510

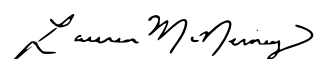
Dear Judge Walker:

I am a rising third-year student at the University of Virginia School of Law, and I am writing to apply for a one-year clerkship in your chambers in 2025. I expect to receive my J.D. in May 2024 and will complete a one-year clerkship for the Honorable Chief Justice Matthew J. Fader on the Supreme Court of Maryland following my graduation.

I have enclosed my resume, my law school and undergraduate transcripts, and a writing sample. You will also find letters of recommendation from Professors Ruth Buck ((434) 924-1042), Rip Verkerke ((434) 924-3463), and Aditya Bamzai ((434) 243-0698). I have provided their telephone numbers should you wish to contact them directly. Please note that I intend to take Federal Courts next fall.

Please contact me at the phone number or email above if I can provide additional information. I greatly appreciate your consideration of my application.

Sincerely,



Lauren N. McNerney

Lauren N. McNerney

2101 Arlington Boulevard, Charlottesville, VA 22903 | lnm5ms@virginia.edu | (443) 280-7080

EDUCATION

University of Virginia School of Law, Charlottesville, VA

J.D., Expected May 2024

- GPA: 3.789
- *Virginia Law Review*, Executive Editor
- Legal Writing Fellow for Professor Ruth Buck
- Program in Law and Public Service, Fellow
- Virginia Law Women, 2L Events Co-Chair
- Peer Advisor for the Class of 2025
- 2023 Winter Break Pro Bono: Impact Justice, Washington, D.C.
- 2022 Spring Break Pro Bono: disAbility Law Center, Richmond VA

University of Maryland, College Park, MD

B.A., Government and English Literature, *summa cum laude*, May 2021

- Department of English Academic Excellence Award
- College Park Scholars Justice and Legal Thought Outstanding Achievement Award
- Mighty Sound of Maryland Alto Saxophone Section, Squad Leader and Four-year Marcher
- Thesis: *Feminism Unacknowledged: Citational Politics, Jane Austen, and Judicial Opinions*

EXPERIENCE

Chief Justice Matthew J. Fader, Supreme Court of Maryland, Annapolis, MD

Judicial Clerk, Expected August 2024 – August 2025

Willkie Farr & Gallagher LLP, Washington, D.C.

Summer Associate, Litigation Group, May 2023 – July 2023

- Assist in trial preparation by researching law, drafting memoranda, and reviewing documents

Maryland Legal Aid, Baltimore City, MD

Law Clerk, Administrative Law Unit, May 2022 – July 2022

- Researched and wrote memoranda regarding issues of state and federal administrative law
- Participated in client interviews and assisted attorneys with hearing preparation

Maryland General Assembly, Annapolis, MD

Part-time Staff Member for Senator Antonio Hayes, January 2022 – March 2022

- Drafted and edited weekly newsletter, constituent letter response templates, and interns' work

Legislative Intern for Senator Antonio Hayes, January 2020 – May 2020

- Prepared and finalized written and oral testimony, newsletter items, and other policy reports

University of Maryland, College Park, MD

University Student Judiciary Honor Council, December 2019 – May 2021

- Adjudicated cases of academic dishonesty and questioned parties involved

Teaching Assistant for Dr. Sujith Kumar, January 2021 – May 2021

- Taught three one-hour discussion sections weekly and held office hours weekly

Teaching Assistant for Dr. Thomas Lowderbaugh, June 2020 – December 2020

- Created weekly assignments, lectures, and videos about professional writing and speaking

Tevis Energy, Westminster, MD

Marketing Intern, June 2019 – January 2020

INTERESTS

Alto and soprano classical saxophones, 5k running, indie video games

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW

Name: Lauren McNerney

Date: June 07, 2023

Record ID: lnm5ms

This is a report of law and selected non-law course work (including credits earned). This is not an official transcript.**Due to the global COVID-19 pandemic, the Law faculty imposed mandatory Credit/No Credit grading for all graded classes completed after March 18 in the spring 2020 term.****FALL 2021**

LAW	6000	Civil Procedure	4	A	Bamzai,Aditya
LAW	6002	Contracts	4	A-	Hellman,Deborah
LAW	6003	Criminal Law	3	A-	Coughlin,Anne M
LAW	6004	Legal Research and Writing I	1	S	Buck,Donna Ruth
LAW	6007	Torts	4	A-	Abraham,Kenneth S

SPRING 2022

LAW	6001	Constitutional Law	4	A	Solum,Lawrence
LAW	7023	Emply Law: Contrcts/Torts/Stat	3	A	Verkerke,J H
LAW	7088	Law and Public Service	3	B+	Kim,Annie
LAW	6005	Lgl Research & Writing II (YR)	2	S	Buck,Donna Ruth
LAW	6006	Property	4	A-	Nicoletti,Cynthia Lisa

FALL 2022

LAW	8003	Civil Rights Litigation	3	A-	Jeffries,John C
LAW	7019	Criminal Investigation	4	A	Coughlin,Anne M
LAW	6104	Evidence	3	B+	Schauer,Frederick
LAW	7648	Federal Sentencing (SC)	1	A-	Underhill,Stefan R
LAW	7071	Professional Responsibility	3	A	Mitchell,Paul Gregory

SPRING 2023

LAW	6102	Administrative Law	4	A	Bamzai,Aditya
LAW	9049	American Legal History Seminar	3	A-	Nicoletti,Cynthia Lisa
LAW	7018	Criminal Adjudication	3	A	Frampton,Thomas Ward
LAW	7062	Legislation	4	A-	Nelson,Caleb E

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UNIVERSITY OF MARYLAND
COLLEGE PARK
Office of the Registrar
College Park, MD 20742
UNOFFICIAL TRANSCRIPT
FOR ADVISING PURPOSES ONLY
As of: 10/15/21

McNerney, Lauren Nicole

E-Mail: lnmack@gmail.com

Major: Government & Politics

Freshman - First Time

Undergraduate Degree Seeking

GenEd Program

Current Status: Registered Spring 2021

Double Degree: ENGLISH LANGUAGE AND LIT

Fundamental Requirement Satisfied Math: AP; English: AP

Transcripts received from the following institutions:

Advanced Placement Exam on 07/04/17

Carroll Community College on 07/10/17

**** Transfer Credit Information ******** Equivalences ******Advanced Placement Exam**

1401	U.S. GVPT/SCR 4	P	3.00	GVPT170	DSHS
1501	U.S. HISTORY/SCR 4	P	3.00	HIST201	DSHS or DSHU, DVUP
	PSYCHOLOGY/SCR 3	NC	0.00	No Credit	
1601	ENG LANG/COMP/SCR 5	P	3.00	ENGL101	FSAW
	WORLD HISTORY/SCR 4	P	3.00		L1
	STATISTICS/SCR 4	P	3.00	STAT100	FSAR, FSMA
1701	ENG LIT/COMP/SCR 5	P	3.00	ENGL240	
	ENG LIT/COMP/SCR 5	P	3.00		L1
	CALCULUS AB/SCR 3	NC	0.00	No Credit	
	MUSIC THRY-AUR/SCR 3	NC	0.00	No Credit	
	MUSIC THRY/NON/SCR 3	NC	0.00	No Credit	
	MUSIC THRY SCR 3	NC	0.00	No Credit	

Acceptable UG Inst. Credits: 21.00

Applicable UG Inst. Credits: 21.00

Carroll Community College

1701	REGLN GEOG/GLBL AWARENES A	3.00	GEOG110	DSHS, DVUP
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Acceptable UG Inst. Credits: 3.00

Applicable UG Inst. Credits: 3.00

Total UG Credits Acceptable: 24.00

Total UG Credits Applicable: 24.00

Historic Course Information is listed in the order:

Course, Title, Grade, Credits Attempted, Earned and Quality Points

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Fall 2017**MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI**

COMM200	CRITICAL THINKING & SPEAKING	A	3.00	3.00	12.00	FSOC
CPJT100	1ST-YR COLLOQUIUM	A+	1.00	1.00	4.00	
ENGL140	AMERICAN FICTIONS	A+	3.00	3.00	12.00	DSHU, SCIS
GVPT289L	RELIGION & WORLD AFFAIRS	A	3.00	3.00	12.00	DSHS, DVUP, SCIS
MLAW100	JUSTICE AND THE LAW	A+	3.00	3.00	12.00	
MUSC229F	MARCHING BAND	A+	1.00	1.00	4.00	
MUSC229G	MARCH BAND REP	A+	1.00	1.00	4.00	

**** Semester Academic Honors ******Semester: Attempted 15.00; Earned 15.00; QPoints 60.00; GPA 4.000****UG Cumulative: 15.00; 15.00; 60.00; 4.000****Spring 2018****MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI****Double Major: ENGLISH LANGUAGE AND LIT**

ASTR101	GENERAL ASTRONOMY	A+	4.00	4.00	16.00	DSNL
ECON200	MICROECONOMIC PRINCIPLES	A	3.00	3.00	12.00	DSHS
ENGL301	CRITICAL METHOD STUDY LIT	A	3.00	3.00	12.00	
GVPT241	POL. PHIL.: ANCIENT & MODERN	A	3.00	3.00	12.00	DSSP
MLAW150	LAW IN A JUST SOCIETY	A+	3.00	3.00	12.00	
MUSC229P	PEP BAND	A+	1.00	1.00	4.00	
MUSC229U	UNIVERSITY BAND	A+	1.00	1.00	4.00	

**** Semester Academic Honors ******Semester: Attempted 18.00; Earned 18.00; QPoints 72.00; GPA 4.000****UG Cumulative: 33.00; 33.00; 132.00; 4.000****Fall 2018****MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI****Double Major: ENGLISH LANGUAGE AND LIT**

CPJT200	JUSTICE AND LEGAL THOUGHT	A+	1.00	1.00	4.00	
ENGL310	MED+REN BRIT LIT	A	3.00	3.00	12.00	
ENGL368D	AFRICAN AMERICAN FOLKLORE IN LIT	A	3.00	3.00	12.00	
ENSP101	INTRO TO ENVIRONMENTAL SCIENCE	A+	3.00	3.00	12.00	DSNS
GVPT289J	US & CHINA UNCERTAINTY PARTNERS	A	3.00	3.00	12.00	DSHS, SCIS
MUSC229F	MARCHING BAND	A+	1.00	1.00	4.00	
MUSC229G	MARCH BAND REP	A+	1.00	1.00	4.00	
PHIL170	INTRO TO LOGIC	A+	3.00	3.00	12.00	FSAR

**** Semester Academic Honors ******Semester: Attempted 18.00; Earned 18.00; QPoints 72.00; GPA 4.000****UG Cumulative: 51.00; 51.00; 204.00; 4.000****Spring 2019****MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI****Double Major: ENGLISH LANGUAGE AND LIT**

CPJT101	JUSTICE & LEGAL THOUGHT	A+	1.00	1.00	4.00	
CPJT250	CPJT-RESEARCH	A+	2.00	2.00	8.00	DSSP
ECON201	MACROECONOMIC PRINCIPLES	A+	3.00	3.00	12.00	DSHS
ENGL344	19TH CENTURY FICTION	A+	3.00	3.00	12.00	
ENGL489J	DIGITAL RHETORICS	A	3.00	3.00	12.00	
GVPT331	COURTS, LAW & JUSTICE	A+	3.00	3.00	12.00	
GVPT439A	COMPTON CONSTITUTIONAL LAW	A+	3.00	3.00	12.00	
MUSC229U	UNIVERSITY BAND	A+	1.00	1.00	4.00	

**** Semester Academic Honors ****<https://app.testudo.umd.edu/#/main/uoatrans?null>

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**** College Park Scholars Citation ******** Justice & Legal Thought ****

Semester: Attempted 19.00; Earned 19.00; QPoints 76.00; GPA 4.000

UG Cumulative: 70.00; 70.00; 280.00; 4.000

Fall 2019

MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI

Double Major: ENGLISH LANGUAGE AND LIT

ENGL381 MGA LEGISLATIVE SEMINAR A+ 3.00 3.00 12.00 FSPW

GVPT201 SCOPE & METHODS POL SCI A+ 3.00 3.00 12.00 DSSP

GVPT392 INTRO GIS SOC SCI RSCRH A+ 3.00 3.00 12.00

GVPT409N NONVIOLENT RESISTANCE A+ 3.00 3.00 12.00

MUSC229F MARCHING BAND A+ 1.00 1.00 4.00

MUSC229G MARCH BAND REP A+ 1.00 1.00 4.00

**** Semester Academic Honors ****

Semester: Attempted 14.00; Earned 14.00; QPoints 56.00; GPA 4.000

UG Cumulative: 84.00; 84.00; 336.00; 4.000

Spring 2020

MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI

Double Major: ENGLISH LANGUAGE AND LIT

ENGL370 JUNIOR HONORS CONF A 1.00 1.00 4.00

ENGL388M MD GEN ASMBLY PRE-PRO WR A+ 6.00 6.00 24.00 DSSP

ENGL479G HOR FICT & MEDIA NECROMA A 3.00 3.00 12.00

GVPT409P CONFLICT INT'L SYSTEM A+ 3.00 3.00 12.00

MUSC229E WIND ENSEMBLE A+ 1.00 1.00 4.00

MUSC229U UNIVERSITY BAND A+ 1.00 1.00 4.00

**** Semester Academic Honors ****

Due to COVID-19 pandemic, unless the student elects the regular grading method per course, P grades for undergraduate courses and S grades for graduate courses in effect for Spring 2020, and allowed to satisfy all degree requirements.

Semester: Attempted 15.00; Earned 15.00; QPoints 60.00; GPA 4.000

UG Cumulative: 99.00; 99.00; 396.00; 4.000

Fall 2020

MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI

Double Major: ENGLISH LANGUAGE AND LIT

ENGL373 SENIOR HONORS PROJECT A+ 2.00 2.00 8.00

ENGL392 LEGAL WRITING A 3.00 3.00 12.00 FSPW

ENGL428M HOW TO DO THINGS W/BOOKS A 3.00 3.00 12.00

ENGL429 INDEP RESEARCH IN ENGL A+ 3.00 3.00 12.00

GVPT431 INTRO CONSTITUTIONAL LAW A+ 3.00 3.00 12.00

MUSC229F MARCHING BAND A+ 1.00 1.00 4.00

MUSC229G MARCH BAND REP A+ 1.00 1.00 4.00

**** Semester Academic Honors ****

Semester: Attempted 16.00; Earned 16.00; QPoints 64.00; GPA 4.000

UG Cumulative: 115.00; 115.00; 460.00; 4.000

Spring 2021

MAJOR: GOVERNMENT AND POLITICS COLLEGE: BEHAVIORAL SOCIAL SCI

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Double Degree: ENGLISH LANGUAGE AND LIT

ENGL311	BRITISH LIT 1600-1800	A+	3.00	3.00	12.00
ENGL428A	AFRO-LATINX LITERATURE	A+	3.00	3.00	12.00
ENGL495	INDEPENDENT STUDY HONORS	A+	2.00	2.00	8.00
GVPT386	EXPER LEARNING	A	3.00	3.00	12.00
SPAN203	INTENSIVE INTRMD SPAN	A	4.00	4.00	16.00

**** Semester Academic Honors ****

Semester:	Attempted 15.00; Earned 15.00; QPoints 60.00; GPA 4.000
UG Cumulative:	130.00; 130.00; 520.00; 4.000

**** Degree Information ****

COLLEGE OF BEHAVIORAL AND SOCIAL SCIENCE

Bachelor of Arts

Awarded 05/21/21

Summa Cum Laude

GOVERNMENT AND POLITICS

**** Degree Information ****

COLLEGE OF ARTS AND HUMANITIES

Bachelor of Arts

Awarded 05/21/21

Summa Cum Laude

ENGLISH LANGUAGE AND LITERATURE

With Honors in English

UG Cumulative Credit : 154.00

UG Cumulative GPA : 4.000

June 09, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

RE: Clerkship Recommendation for Lauren N. McNerney

Dear Judge Walker:

Lauren McNerney would make an outstanding clerk. I am confident in saying that because of her impressive performance in my Legal Research and Writing class, her overall academic performance at the University of Virginia School of Law, and my personal interactions with her.

In the fall semester of Legal Research and Writing, my students turn in three progressively complex legal memoranda. Each of Lauren's memoranda were among the top in her class, demonstrating her excellent researching, analytical, and writing skills. In the spring semester, the focus in Legal Research and Writing switches to appellate advocacy. Once again, Lauren excelled. In her brief, she made compelling arguments on behalf of her client, skillfully integrating the law and facts to her client's advantage. In her oral argument, she demonstrated outstanding poise, was responsive to the judges' questions, and had a superb mastery of the law and facts.

Based on Lauren's performance in my class, I was delighted when she tried out to be a Legal Research and Writing teaching assistant, or Legal Writing Fellow. Each Legal Writing Fellow is responsible for critiquing the legal research and writing assignments of approximately thirteen first-year law students. I choose my Writing Fellows based not only on their performance in my class, but also on a written tryout. The tryout consists of critiquing a poorly written legal memorandum, one replete with errors in analysis, organization, citation, and grammar. Lauren's tryout was excellent. Because she made Law Review, Lauren deferred my offer of a Legal Writing Fellow position until her third year, but I am looking forward to working with her next year – I am confident that she will be an outstanding mentor to her students.

Lauren has excelled in her other classes as well. Indeed, her GPA places her in the top eight percent of a very talented class.

Not only does Lauren possess considerable legal skills, but also she is exceptionally mature and relates well to students and faculty alike. She would be a delight to work with. As I hope you can tell, I have no reservations about recommending Lauren for a clerkship in your court.

Sincerely,

D. Ruth Buck

D. Ruth Buck - rbuck@law.virginia.edu - _434_ 924-1042

June 11, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing on behalf of Lauren McNerney who has applied to you for a clerkship during the 2024-2025 term. She has my enthusiastic support and I encourage you to interview her at your earliest convenience. Lauren exemplifies the distinctively well-rounded excellence that is characteristic of UVa Law graduates. Her academic performance so far has been nothing short of exemplary. She currently ranks 17th of 296 spectacularly well qualified classmates. In recognition of her many strengths, Lauren's peers on the distinguished Virginia Law Review selected her as member of the Editorial Board this year, and I expect that she will join the Managing Board next year.

Lauren was an absolute star in my Employment Law: Contracts, Torts & Statutes class during the spring semester of her 1L year. In this class, I use a variety of somewhat unconventional active learning teaching methods (including in-class quiz questions, small-group consultations, informal simulations, debates, and brainstorming discussions). Lauren quickly embraced these innovations and distinguished herself with unusually sophisticated legal analysis and good judgment about the cases and problems that we studied. She thought deeply about both doctrinal rules and policy problems and expressed herself with unusual clarity. Her writing was superb—clear and concise and deeply insightful. Everything she wrote for me was of extremely high quality. In addition, Lauren was composed and articulate in class. She had many opportunities to answer questions, participate in simulation exercises, and work collaboratively in a small group of peers. Lauren stands out in my memory for the cogency of her contributions. She was thoroughly prepared for every class. And her classmates clearly respected her and relied heavily on the clarity of her explanations and the depth of her understanding.

Out of 48 students, Lauren was one of only three students to earn an "A" and her final exam was clearly the best in the entire class. Lauren's performance in other first-year classes also was consistently excellent. In reviewing her transcript, it is important to bear in mind that UVa Law School enforces a "B+" grading mean. Thus, grades of "A-" and "A" indicate truly extraordinary academic accomplishment. Lauren's work places her in the top 6% of what is the most gifted class we have ever enrolled. I am confident that Lauren would bring an exceptional intellect and remarkable diligence, self-discipline, and initiative to your chambers.

But academic distinction is only a small part of what Lauren has to offer as a judicial clerk. Lauren is a talented writer who has a real gift for getting quickly to the heart of an issue and explaining her analysis clearly and concisely. Unlike many of her peers, she was completely comfortable with the restrictive word limits that I imposed on all our class assignments. She immediately identified the most important aspects of each legal problem and felt no need for the throat-clearing and elaborate wind-up that most students offer before getting around to the critical issues. You can be confident that Lauren's written work will save you hours of time spent wading through irrelevancies. Her sharp and insightful analysis will also be a great asset to the chambers in which she ultimately ends up working.

Lauren already has a wide array of professional experiences that have honed her communication skills and analytical abilities. Moreover, Lauren has a deep commitment to the State of Maryland and has worked for both Maryland Legal Aid and the Maryland General Assembly. An honors graduate of the University of Maryland, she distinguished herself as a teaching assistant for multiple college courses and showed her community spirit by serving as a member of the UM Honor Council. Lauren has continued her strong commitment to public service in law school as a Fellow of the Program in Law and Public Service, a Peer Advisor, and a Legal Writing Fellow.

Lauren's admirable character and appealing personality also complement her outstanding academic performance. She is incredibly hard working. No one did more to prepare for class or to contribute to our discussions. She consistently showed respect for other students even when their views on an issue differed sharply. Lauren strikes me as highly capable, mature, and exceptionally dedicated to her legal studies. And she pairs these valuable qualities with an unusual level of personal integrity and diligence.

I firmly believe that Lauren will distinguish herself in legal practice and be a shining example of the qualities that we try to inculcate in our graduates. Her unique combination of outstanding intellectual ability, unusual maturity, strong organizational and writing skills, and a winning personality make Lauren McNerney a superb candidate for a judicial clerkship. I strongly encourage you to interview her at your earliest convenience. I believe that you would enjoy working with her.

Should you have any questions or need additional information, please do not hesitate to give me a call.

Best regards,

J. H. (Rip) Verkerke

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June 09, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I understand that Lauren McNerney has applied for a clerkship in your chambers. I write to recommend her highly and without reservation. Lauren is one of the executive editors of the Virginia Law Review and the events co-chair of the Virginia Law Women. She also serves as a writing fellow in the Legal Research and Writing program, where she assists students in the year below her with their writing assignments. She has been a terrific law student, academically speaking, with grades that place her in the top 8 percent of the class. I can personally attest to Lauren's smarts—she wrote the best exam in my Civil Procedure class in the fall of 2021 (more on that below).

Lauren will be clerking for Chief Justice Matthew Fader of the Supreme Court of Maryland for the 2024-2025 term. She would therefore come to your chambers with a year of excellent training under her belt.

Until she arrived at the University of Virginia School of Law, Lauren was a lifelong resident of the State of Maryland. A first-generation college student, Lauren graduated summa cum laude from the University of Maryland (where she played saxophone in the college marching band!), with a degree in Government and English Literature. She completed an undergraduate thesis analyzing citations of Jane Austen in Maryland judicial opinions. In addition, she completed a wholly separate thesis on different approaches to vigilante justice in the context of superhero media.

I first met Lauren when she was assigned to my Civil Procedure class in the fall of 2021. In this class, we address all the complex aspects of procedure, from the rules, to preclusion, to joinder, to jurisdiction, to the Erie doctrine, and ending with the law of class actions. In a class of approximately 38 students, Lauren wrote the very best exam (which I graded blind, of course). She writes clearly and analytically—in a manner that would make her an asset to any chambers. This past semester, Lauren repeated her stellar academic performance in Administrative Law, where she received an "A" in a class of absolutely fabulous students.

At the law school, Lauren is an executive editor of the Virginia Law Review—a managing board position that has allowed her to learn about a wide variety of concepts and work closely with her peers to publish the journal. She is also the events co-chair for Virginia Law Women, where she coordinates faculty-student dinners and other programming that allows women to form deeper connections with professors. In addition, she serves as a peer advisor, where she mentors those in the class below her to help them adjust to law school. Finally, she serves as a legal writing fellow, where she provides written and verbal feedback to first-year law students grappling with the stark genre change posed by drafting legal research and writing memos.

In each instance, one can see Lauren's interests and efforts in giving back to the law school community. As a first-generation college student (and the first lawyer in her family), Lauren feels acutely the need to serve as a mentor for others.

Lauren plans to return to Maryland and to practice in the surrounding area. She has expressed an interest in working for the Department of Justice through its honors program or in public interest in some capacity. This coming summer, she will be a summer associate in the Washington, DC, office of Wilkie, Farr, and Gallagher. Last summer, she worked at Maryland Legal Aid, where she researched aspects of state and federal administrative law. In the past, she has spent time on the staff of Senator Antonio Hayes in the Maryland General Assembly.

In short, I recommend Lauren highly and without reservation. Please do feel free to contact me if I can answer any questions. I can be reached on my cell phone at (773)865-4680 or by email at abamzai@virginia.edu.

Sincerely,

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Lauren McNerney

Writing Sample

This writing sample is excerpted from the final paper I prepared for my Fall 2022 Federal Sentencing Short Course, taught by the Honorable Judge Stefan R. Underhill of the District of Connecticut. Our assignment was to research a topic only briefly touched upon in class. I researched a provision of 21 U.S.C. § 851 and the constitutional right to collaterally attack prior convictions used to enhance federal sentences. While § 851(c) creates a statutory right of collateral attack for defendants facing enhanced sentences based on allegedly defective prior convictions, § 851(e) imposes a statute of limitations on that right: defendants are prohibited from collaterally attacking the constitutional validity of prior convictions used in sentencing enhancements when such convictions are at least five years older than the date of the government's filing. My paper examined the text, legislative history, and constitutional validity of § 851(e), and ultimately argued for its amendment or abolition by Congress. I am the only person who has edited this paper and I received no external feedback in the process of writing it. Upon request, I am happy to provide the full paper or other samples of my written work product.